

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING
MAY 1, 2007

INGRAM OFFICE BUILDING
7900 HICKMAN ROAD
URBANDALE, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by interim Chairperson David Petty at 10:00 a.m. on May 1, 2007 in the Ingram Office Building, Urbandale, Iowa.

COMMISSIONERS PRESENT -

Suzanne Morrow
Darrell Hanson
Mary Gail Scott
David Petty
Henry Marquard
Charlotte Hubbell
Susan Heathcote
Ralph Klemme

COMMISSIONERS ABSENT

ADOPTION OF AGENDA

Mary Gail Scott asked that an update on the Use Attainability Analysis process be added to the agenda for today and as a standing item for each Commission meeting.

Motion was made by Suzanne Morrow to approve the agenda. Seconded by Susan Heathcote. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Motion was made by Henry Marquard to approve the minutes from the April 3, 2007 minutes. Seconded by Darrell Hanson. Motion carried unanimously.

Charlotte Hubbell abstained from voting since she was not an acting commissioner at the time of this meeting.

OATH OF OFFICE

Richard Leopold conducted the oath of office for newly appointed Commissioners Susan Heathcote, Charlotte Hubbell and Ralph Klemme.

ELECTION OF OFFICERS

Chairperson

Mary Gail Scott nominated Darrell Hanson for Chairperson. Seconded by Sue Morrow.

Henry Marquard nominated David Petty for Chairperson. Seconded by Ralph Klemme.

Darrell Hanson and David Petty both accepted nominations as Chairperson.

Roll call vote went as follows:

Henry Marquard – David Petty
Susan Heathcote – Darrell Hanson
Sue Morrow – Darrell Hanson
Darrell Hanson – Darrell Hanson
David Petty – David Petty
Mary Gail Scott – Darrell Hanson
Charlotte Hubbell – Darrell Hanson
Ralph Klemme – David Petty

DARRELL HANSON, CHAIRPERSON

Vice-Chairperson

Charlotte Hubbell nominated Mary Gail Scott as Vice-Chairperson.

David Petty nominated Henry Marquard as Vice-Chairperson.

<i>David Petty moved that nominations cease. Seconded by Charlotte Hubbell.</i>

Henry Marquard and Mary Gail Scott both accepted nominations as Vice-Chairperson.

MARY GAIL SCOTT, VICE-CHAIRPERSON
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Secretary

Mary Gail Scott nominated Sue Morrow as Secretary.

<i>Charlotte Hubbell moved that nominations cease. Seconded by Mary Gail Scott.</i>

SUE MORROW, SECRETARY

DIRECTORS REMARKS

Richard Leopold said that he was unanimously confirmed by the Senate as Director of the Department of Natural Resources.

This year's legislative session went very well. The septic bill and waste tire management bill did not go through but we will push these for next year.

The Department has been working on the CREP II (Conservation Reserve Enhancement Program). It is an incentive based cost share program to help protect water quality. This is projected to be a \$28 million dollar program with anticipation of starting next year.

The Department has been doing a lot of planning and coordination in water resources with a special assistant to the Director to help with water quality issues.

Sustainable Funding for Natural Resources was re-authorized. The council recommended \$150 million a year for the next 10 years. There are a variety of funding mechanisms that would help contribute to this fund.

Charlotte Hubbell suggested that the EPC meet with other commissions and boards that deal with the same water issues. (Department of Agriculture, Iowa Utilities Board, etc.)

Richard Leopold said that he will look into that possibility.

INFORMATIONAL

PUBLIC PARTICIPATION

MIKE MEYER & BOB WATSON addressed the commission regarding a two year battle with Cottonballs, LLC and with the DNR about site #1.

Keep in mind that all of the pollution that I will talk about today goes through the Meyer Spring and into the north fork of the Yellow River.

We are here today because we have failed in our attempt to stop this pollution. But, we have had a lot of help in that failure due to DNR arrogance, deceit and an inability or unwillingness to understand and apply State law, construction permits and their own regulations and requirements. The actual photographs and water testing results were given to Jeff Vonk and the Region 1 Office.

The "breached aquifer" document lays out how a seep and sink were created during the site construction of these 620' buildings.

The "DNR visit to Meyer Spring" document talks about Mike documenting pollution events and water test results, and talks about how we were told the pollution events that we documented were just as likely to have come from an earthquake in Alaska.

The “Tom McCarthy e-mails” document shows our continuing battles with the DNR to get them to dye test the area to prove to themselves that a direct conduit from the site to the Meyer Spring now existed.

The “Public Safety” document talks about the loss of the 1000’ separation distance between sinkholes and confinements in karst.

The “Stressing Iowa’s Environment” document includes the complete story about this site except for what happened last week.

This brings us to the last “emails” document which includes how the chicken manure finally reached the Meyer Spring, and construction permits and requirements.

We documented 11 pollution events to the Meyer Spring in 2006. Mike documented 2 more events earlier this spring. Last week Mike noticed manure being hauled out of the east end of one of the buildings and piled on the drive right next to the sink area. Mike called Tom McCarthy who came up took pictures and left. He did not tell them to stop. The next day the other building’s manure was hauled out and added to that same pile. A couple of days later it rained and the chicken manure made it to the Meyer Spring. For two years we kept telling DNR that the chicken manure with its antibiotics and hormones would be coming through the spring once the site was in operation. Well, it has and those pollutants have gone into the Yellow River too.

We are asking 3 things of you today:

1. To investigate this 2 year non-investigation and the ignoring of all the documented evidence.
2. Using your authority under the Agency Discretionary Rule, because a direct underground conduit (a sinkhole) has been created from this site to the Meyer Spring and to the Yellow River, we ask that this site be shut down. Even though our local Legislators, Gipp and Ziemann, introduced language that effectively got rid of separation distances in the law, it is still illegal to have a sinkhole on a confinement site.
3. Ask your legislative people to work on language which would put the separation distance back in the law.

We will answer any questions you have today. And, Mike and I are willing to come back any time in the future to discuss this further with you.

Darrell Hanson asked that the DNR report back on this issue.

Wayne Gieselman said that we have poultry facilities in Winneshiek County. Construction permits were not required for these facilities. There is a separation distance for known sinkholes. This was not a known sinkhole at the time that construction started. There will be a referral coming to this Commission.

JULIE KETCHUM, Director of Government Affairs of Waste Management addressed Chapter 113 – Sanitary landfills rulemaking.

We are the largest recycler nationally. We are an environmental services company with two landfills located in Iowa. We have been very involved with this rulemaking process since the very beginning. We provided extensive comment to this commission and continue to work with the DNR. We do not have final rule at this point. We are very hopeful that the rule will reflect our comments on this process.

FRANKLIN KINKADE , a concerned certified Iowa Well Driller presented the following comments.

Heating and cooling with ground source heat pumps (sometimes referred to as geothermal systems) is the most environmentally friendly method to heat and cool all types of buildings. This method makes use of the renewable energy of the ground. It uses the latent solar heat stored (and naturally renewed) in the crust of the earth.

Ground source heat pump installations fit exactly with Governor Culver's commitment to increasing the use of renewable energy. The closed loop systems are sealed, self-contained, and do not have any effluent which could pollute the site.

These ground source heating and cooling systems make good use of the seasonal electrical energy usage fluctuations, using the off-peak loads in the electrical grid in the winter and are friendly to the high-peak loads in the summer. This helps our electric utilities make the most efficient use of their generation and transmission systems.

The new rules currently proposed by the DNR to regulate the installation of the ground source heat pump systems have not been approved by the Committee to Deregulate Ground Source Boreholes. The Committee was specifically formed to address the drilling and installation of these systems. The Committee to Deregulate Ground Source Boreholes (CTD) held meetings over a period of two (2) years. After the Committee held their last meeting, the DNR came up with these new proposed rules which were not presented to the full Committee and do not reflect their findings.

In essence, the excessive and repetitious requirements set forth in the rules presented after the last of the CTD meetings, will create many excessive and unnecessary blockages to the permitting and installation of ground source heat pumps for heating and cooling all types of buildings in Iowa.

These proposed DNR regulations would add thousands of dollars to each installation, amounting to hundreds of millions of dollars in increased costs to homeowners, commercial buildings, and public buildings (such as schools, courthouses, city halls, libraries) and therefore directly increase costs to all taxpayers.

The proposed new regulations are an unnecessary burden to both drillers and customers. They will discourage ground source heat loop systems as a cost-efficient choice in heating and cooling.

The DNR is all mixed up on these closed loop systems. They put closed loop ground source heating and cooling installations in with water well drilling regulation. These installations are not wells. They are temporary holes in the ground for the placement of heat exchanges loops, which have no interchange with the surrounding earth, other than transferring thermal units of heat through the walls of the totally impervious sealed loops. They are covered with a minimum of five feet of earth, leaving the sites very usable.

We urge you as the EPC to reject the new rules as submitted by the DNR, and to adopt a period of two years for study and research on the requirements in them. We request you to adopt the "GEOTEX" for the Geological Temperature Exchange systems known as ground source heat loop systems.

KATHY MORRIS, Director of the Scott County Waste Commission addressed the Chapter 113 landfill rules. We are very glad to see this rulemaking moving forward in bringing Iowa up to the federal minimum standards. Thank you to the DNR staff for their involvement with stakeholders. We realize this is a difficult decision. We built our landfill to meet the subtitle D regulations though it was a lot of expense to us we are glad we did it.

TOM HADDEN, Executive Director of the Metro Waste Authority in Des Moines. I would like to applaud the DNR staff for going the extra mile to work with all parties involved with the Chapter 113 landfill rules. In 1994, the federal rules were developed for subtitle D. In 1995, Metro Waste put in their first subtitle D landfill. In 2003, we were informed that the DNR was going to move ahead with the federal subtitle D rules and because of that we have invested \$8 million dollars in a new landfill that will be opening this fall. We are trying to protect the environment and the water resources. I would like to urge you to move ahead with this. October 1st is the deadline date and we would like to see this stay the same.

We need to keep resource management in mind as stated in the contract with Riester. Regulations have to be enforced. If someone does not operate under the law they need to be pursued aggressively.

TOMMI MAKILA, with the Iowa Association of Municipal Utilities addressed the storm water fee increase. A large portion of the storm water fees goes to other programs not within storm water. More than 40% of the fees go to floodplain and TMDL programs. Though we don't question the value of those programs, we do feel that it is inappropriate to increase the storm water fees when the money is not going to the storm water program. We do look forward to discussing this issue with the DNR staff.

NEILA SEAMAN, Director of the Sierra Club – Iowa Chapter addressed the draft list of the CWA 303(d) impaired waters list. We do look forward to commenting on this recently released list. We are concerned that the list is based on water quality standards that we believe are illegal. The Environmental Protection Agency has not yet approved the water quality standards that were

adopted more than a year ago. With the list being prepared under the old water quality standards, adequate protection of water will be an inadequate standard and not be listed on the 303 (d) list as they should be. We are also concerned that the list was prepared under Iowa's credible data law which establishes arbitrary requirements and prohibitions on the type of use of water quality information that can be used to create the 303(d) list. EPA has recognized that the law violates the Clean Water Act, but EPA has refused to do anything about it. The DNR and this commission should follow the Clean Water Act which takes precedent over state law.

SRF loan funds and intended use plan – We believe the new water quality standards, if approved by EPA could require more than 350 communities to improve their wastewater capabilities. We believe these funds should be extensively marketed so more communities can take advantage of these funds.

KEITH FRY, with Farmer's Cooperative which is the largest locally owned coop in Iowa. About 150 million bushels of corn will be milled this year, a significant amount of that will go to the ethanol industry and the rest will be processed. The processed corn goes primarily to animal livestock confinement systems. It's interesting to hear the concern with the poultry facility in Decorah. As a company, we support siting and operating these systems according the regulations and laws that you have specified. While we sometimes find these laws cumbersome, we still support the effective ruling and doing it right. I reviewed the DNR's March report on discharge and bypass waters by municipalities. There were at least a dozen reported bypasses or discharges of raw sewage. How can you allow that to happen but then expect the folks in the animal confinement business to two the line 101 percent? Isn't it ironic that we allow human waste to be discharged in such a manner and yet someone with 5,000 gallons of animal waste(nutrients) spills it and every newspaper and radio station is airing it. There is a real double standard right now and it hinders the food production system. Please address this problem.

Charlotte Hubbell said that she agrees with your concerns but it's the concentration levels of the different wastes that raises the concerns.

Keith Fry said that he disagrees with that and will not accept that as an excuse. Human waste contains pathogens and diseases that can affect us humans.

Wayne Gieselman said that we have a law that states manure shall be totally contained and there shall be no discharge to the waters of the state. That is what we are to enforce. Bypasses should be unacceptable. I will follow up on this issue and get you some more information.

-----End of Public Participation-----

BUDGET OVERVIEW AND FISCAL YEAR 2009 PREPARATION

Linda Hanson gave an overview of the budget. The FY 2009 budget will be brought back to this commission for approval in September of this year. The final budget needs to be submitted to the Governor's office by October.

The department has 300 different funding sources. The Department's FY 2007 operations budget totals \$111.8 million dollars.

Linda continued presenting on where the DNR's money comes from and what it is spent on.

Suzanne Morrow asked that she would like to see how and where our contracts fit into the overall budget.

Linda Hanson said that is something that could be done.

INFORMATION

CONTRACT – RESOURCE MANAGEMENT SOCIAL MARKETING STRATEGY – RIESTER

Tom Anderson, Environmental Specialist of the Environmental Services Division presented the following item.

The Department requests Commission approval of a contract not to exceed \$300,000 with Riester to develop and implement social-marketing based approaches to support social change in behaviors related to management of household hazardous materials (HHM) and pharmaceuticals.

Reasons for focusing this initial social marketing campaign on household hazardous materials and pharmaceuticals include the following:

- Health, safety, and environmental risks of these targeted items
- Code of Iowa requires and provides funding sources for HHM outreach efforts
- Code of Iowa shifts more money in the future to operations of regional collection centers for household hazardous materials rather than establishment of regional collection centers
- 2005 survey indicated 90% of retailers not in compliance with HHM education regulations
- Only approximately 3.6% of Iowans on average use regional collection centers for proper disposal of household hazardous materials
- Pharmaceuticals are appearing in Iowa streams impacting water quality and aquatic life
- A statewide system does not exist to divert pharmaceuticals from waste and waste water

A detailed scope of work is provided in exhibit A of the attached contract and includes:

- **Secondary research review** of HHM management associated data
- **Statewide quantitative baseline study** of awareness and attitudes via polling of Iowans
- **One-on-one interviews** to uncover knowledge and perceptions of HHM and pharmaceutical programs, perspectives, and expectations of department marketing efforts
- **Focus groups** to determine qualitative associations and perceptions of HHM and pharmaceutical management and platforms that move people to resource management
- **Brand plan and implementation** including communications strategy, creative and interactive direction, public relations, policy insight/guidance, media recommendation, and any other efforts deemed necessary to move people to proper management & disposal and strengthen policies and funding for HHM and pharmaceutical related initiatives
- **Campaign evaluation** with Iowans to measure campaign success. The follow up research will enable assessment of changes in awareness, perceptions, attitudes, behaviors, etc. due to campaign efforts; and the opportunity to test/introduce new themes and concepts

BACKGROUND

The state's current waste management policy has driven state and local programs that have produced numerous accomplishments. An estimated 12,588 tons of household hazardous materials were land filled in Iowa in 1998 versus 9,379 tons in 2005, a drop of 25 percent. We have made good progress, but 9,379 tons of HHMs, the most toxic component of Iowa's land filled wastestream, are still going into Iowa landfills.

While continuing to support and build upon current successful programs, we need to transition our focus to one of resource management. In making this shift, we begin to view all materials as having an inherent value. A resource management hierarchy places the initial emphasis on materials "upstream" when a product is being designed, manufactured, packaged and delivered for consumption. Resource management is also a continuous improvement process where goals are dynamic and not pre-defined percentages or targets that become plateaus or even ceilings to environmental improvement. Resource management efforts support the broader goals of continually improving Iowa's environmental performance while simultaneously improving our economy and quality of life.

This contract for a social marketing effort represents the initial step in a long-term initiative to change the focus of Iowans' behaviors from waste management to resource management.

QUALIFICATIONS PROCESS

The following department staff reviewed the qualifications submitted by eight firms:

Tom Anderson, Dept of Natural Resources	Jeff Geerts, Dept of Natural Resources
Monica Stone, Dept of Natural Resources	Jill Cornell, Dept of Natural Resources

The request for qualifications was sent to 33 firms and posted on the state's official Web site for notifying targeted small businesses. These eight organizations submitted qualifications:

Jenkins Marketing Inc	State Public Policy Group
ME&V	Strategic America
Riester	Vernon Research Group
Solutions, Inc	ZLR Ignition

RECOMMENDATION

The review committee chose unanimously Riester for several reasons, including the following:

- Riester's demonstrated experience at implementing social-marketing based approaches
- Riester's familiarity with the recycling and solid waste industry
- Riester's marketing work with the California Department of Conservation related to beverage containers and scrap tire recycling
- Riester's ability to connect the department's campaign to national efforts to "rebrand" recycling, an effort that Riester officials are directly involved in at the national level
- Riester's staff of former elected officials dedicated to policy formulation and development
- Riester's extensive staff resources specializing in research, planning, public relations, art, creative media, media buying, public affairs, copywriting, and Web technology
- Riester's staff's bilingual (English/Spanish) writing and speaking skills

The Household Hazardous Waste Account of the Groundwater Protection Fund will fund this contract. The Department requests the Commission's approval to enter into a contract with Riester.

Darrell Hanson asked what the purpose of the contract is.

Tom Anderson said that it focuses on the consumer and gathers research determining the current attitudes and how we can change the mindset of households to be more environmentally friendly. This goes from a study to an actual implementation – a social marketing campaign.

Henry Marquard said that he is reluctant to fund research that will tell people how they should purchase recyclable materials. Why do we need the research when the evidence clearly shows that we need to promote recyclable and environmental friendly products? I can think of better things that we could spend our money on.

Mary Gail Scott said that they will be talking to 300 Iowans for \$300,000 and 20 one-on-one interviews for 60 minutes.

Charlotte Hubbell suggested that the Department look at previous marketing campaigns in other states and see what was implemented there. Why not implement curbside pickup of hazardous waste materials on a quarterly basis? or have a safe pharmaceutical drop-off at Walgreens, Osco Drug, etc.? That kind of promotional effort may go a long way.

Tom Anderson said that the pharmaceutical issue is a difficult one to address since we have conflicting state and federal regulations. Curbside pickup of hazardous materials has been discussed and a couple of cities have tried it. Liability of leaving hazardous materials out on the curb is an issue with that possibility.

<i>Motion was made by Henry Marquard to approve the contract with Riester as presented. No one seconded. Motion failed.</i>

Mary Gail Scott asked for more definition and the costs of the professionals and their hourly rate. I want to see discussion on the utilization of previous work they have done. That we are building on something and not starting anew. I want to know if they are talking to 20 people and a commitment on their part to do that.

NOT APPROVED

CLEAN WATER AND DRINKING WATER STATE REVOLVING LOAN FUNDS – 2007 INTENDED USE PLAN UPDATES TO ALLOW CROSS-PROGRAM INVESTMENT

Patti Cale-Finnegan in the Water Quality Bureau presented the following item.

Approval is sought from the Environmental Protection Commission of changes to the Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF) Intended Use Plans to allow cross-program investment. A proposal has been sent to the U.S. Environmental Protection Agency. The primary purpose is to allow use of uncommitted CWSRF monies to delay implementation of a bond issue in the DWSRF program until it is more economically beneficial. The Iowa Finance Authority estimates that the estimated savings in cost of issuance and interest expense of doing one large issue in the fall of 2007 instead of two smaller bond issues is approximately \$300,000.

The language below is proposed as additions to the CWSRF and DWSRF Intended Use Plans:

With EPA approval, IFA proposes to temporarily invest CWSRF monies in the DWSRF in May or June 2007. The investment would be short-term in nature. The investment plus interest would be repaid within two years. Both the CWSRF and the DWSRF charge 3% interest on their loans. The investment from the CWSRF will earn the same rate as it would have earned had it been used for wastewater loans. An investment contract formally detailing the terms between the two programs will be developed and executed.

Currently, the CWSRF has a balance of past loan repayments that are not pledged to any outstanding bond issues. By using these funds to invest, there are no concerns with any outstanding bond documents. The maximum amount of investment from the CWSRF to the DWSRF will be \$25 million. This investment will provide a temporary source of capital to fund DWSRF loans until a bond issue can be completed in FY 2008.

A public hearing was held on April 4, 2007. A written comment was received from the Iowa Chapter of the Sierra Club opposing the proposal on the grounds that water quality standards are not being enforced and demand created for CWSRF loans. Because the proposed investment is short-term and current demand for CWSRF loans can be met, DNR does not suggest any changes to the proposal in response to the comment.

The CWSRF funds projects that are meant to improve water quality such as wastewater treatment, sewer systems, storm water management, erosion and sediment control, manure management and placement of onsite septic systems, lake and stream restoration and Brownfield clean up.

The DWSRF funds projects that ensure public health through safe drinking water including upgrading drinking water treatment facilities and protecting the drinking water systems.

Next month you will be receiving the fiscal year 2008 IUP's for approval. They are updated every quarter mainly to add to the approved applicant list.

Because this is the first time we have done this sort of proposal we have received approval from EPA to use this investment strategy. This is not a transfer of funds. This is a short term strategy.

Lori Berry from Iowa Finance Authority said that this is a cash management process. The proposal will allow the Iowa SRF program to manage both funds in the most cost-effective way.

This proposal will not harm the projects needing Clean Water SRF funds. This is not a replacement of infrastructure.

Darrell Hanson asked what the current interest rate is for bonds.

Lori Berry said somewhere between 4.5% to 5%.

Motion was made by David Petty to approve the Clean Water and Drinking Water SRF – 07 IUP updates to allow cross-program investment. Seconded by Susan Heathcote.

Charlotte Hubbell asked why there is a surplus. This goes back to the question of whether or not we are enforcing the laws that are currently on the books. Are we requiring municipalities that are bypassing on a regular basis to follow the current requirements? There won't be a demand for the monies if we don't enforce anything. We need to look at the reasons why we have a surplus.

Patti Cale-Finnegan said that it's been a mixed blessing to have a surplus of funds. It has allowed us to do more with the nonpoint source projects. Those projects have increased.

Motion carries.

APPROVED AS PRESENTED

AIR QUALITY - TITLE V FEE SFY 2008 BUDGET

Wendy Rains, Environmental Specialist Senior of the Air Quality Bureau presented the following item.

The Commission is asked to approve the attached Title V Operating Permit budget establishing the annual Title V fee at \$35.20 per ton air pollution emitted from Title V Operating Permit subject sources. This \$2.45 per ton increase from the current fiscal year is to accommodate personnel and program increases.

A Title V operating permit is required for those facilities with potential emissions that exceed the major stationary source thresholds. A major stationary source is a facility that has the potential to emit 100 tons per year (tpy) or more of any air pollutant; or the potential to emit 10 tpy or more of any individual hazardous air pollutant; or the potential to emit 25 tpy or more of any combination of hazardous air pollutants. Currently Iowa has 276 major stationary sources, also referred to as Title V facilities. Examples of Title V facilities include electric utilities, grain processors, cement plants, and manufacturing operations.

The Title V fee is based on the first 4,000 tons of each regulated air pollutant emitted each year from each major stationary source in the state. Regulated pollutants include: particulate matter less than 10 micrometers in diameter (PM₁₀) and particulate matter less than 2.5 micrometers in diameter (PM_{2.5}), sulfur dioxide (SO₂), nitrogen oxides (NO_x), volatile organic compounds (VOC), lead (Pb), and 187 hazardous air pollutants (HAP). The fee is used to support the development and administration of activities associated with major sources subject to the Title V Operating Permit Program.

Annually on March 31, sources required to obtain Title V Operating Permits submit to the department annual emissions statements for the previous calendar year. The Department totals these emissions and provides that information to the Commission no later than the May meeting. The Commission will then be asked to set the fee based on the program budget.

Air Quality Funding Sources and Cost Centers - The Air Quality Bureau budget is divided into two primary areas: Air Quality Program and Air Title V Program. Expenditures are divided between multiple expenditure (cost center) accounts and a variety of funding sources as listed in Table 1. The attached spreadsheet consolidates the cost centers into the two primary areas to reflect the total program.

Clean Air Act (CAA) section 105 money is awarded to the department through a Performance Partnership Grant (PPG) with the EPA. The PPG is the financial component of the Performance Partnership Agreement (PPA). The department negotiates the PPG on an annual cycle while the PPA is negotiated on a two-year cycle. The PPA contains the mutually agreed upon goals that the EPA and DNR will work together to achieve during the two year agreement period. For air quality, the tasks that must be accomplished to achieve the agreed upon goals are contained in the 105 work plan, which is an attachment to the PPA. No Title V money is included in the PPG.

Significant changes are anticipated in the ambient monitoring program for PM_{2.5}. A new federal ambient air quality standard has been promulgated. New equipment will be needed to meet the specifications of the new standard. EPA is likely to no longer fund portions of the laboratory analysis. In addition to the changes, EPA's funding is likely to be reduced. The CAA section 103 funds are anticipated to be converted to CAA section 105 funds during the state fiscal year.

As indicated in the chart below, CAA section 105 funds require state matching dollars whereas CAA section 103 funds do not.

Table1. Summary of Cost Centers and Funding Sources

Program Area	Expenditures (Cost Center)	Funding Source*
Air Quality Program includes:		
Air Quality central office base program	7220	CAA 105 & GF
Air Quality field office base program	7419	CAA 105 & GF
IT Support	3510	CAA 105 & GF
PM 2.5 Monitoring network	7240	CAA 103
Air Title V includes:		
	1430	TV Fees
Legal Services	1556	TV Fees
Title V Information & Education		
Title V Operating Permit Program	7230	TV Fees
Title V Field Program	7421	TV Fees
IT Support	3520	TV Fees

- * CAA 105 – Clean Air Act section 105 grant with a state match required
 CAA 103 – Clean Air Act section 103 grant with no state match required
 GF – Legislatively appropriated General Funds
 TV Fees – Title V fees

Carryover Funds - The Bureau has been working each year since the program's inception to develop a budget that more accurately reflects the amount of funding required to implement the Title V program. The Air Quality Bureau budget is planned each year with a small margin of reserve. This is to offset factors such as higher than expected expenses, changes in the actual emissions reported, and reimbursement of fees to companies that may have over paid Title V fees in previous years.

Title V Budget Changes – The department met with a representative group of the core Title V fee payers on February 1, 2007, and has provided correspondence to the group since the meeting. The department proposed a \$34.00 fee based on an estimate of 236,000 tons. During the meeting, the fee payers reviewed the draft budget and supported the changes discussed at the meeting. Total Title V Fund expenditures are proposed to be increased from the current SFY 2007 budget levels by 8% or \$750,000 in the SFY 2008 budget. Emissions reports received to date indicate a drop in the tons estimate from 236,000 to 229,329. The fee is proposed to increase by 7.5%, from \$32.75 to \$35.20. Details on where changes to the budget are being proposed are listed in the attached spreadsheet in the "Notes" column.

1. Personnel and indirect costs: As the personnel costs have not been finalized, the department is using a five percent increase across the board for all FTE positions that are not capped. The indirect costs will increase from 12.29 percent to 13.38 percent in SFY 2008. The allocation of IT staff has been adjusted to reflect the needs of the Bureau.

2. Professional Services:

- The department plans to contract with a computer consultant to continue working on SPARS maintenance issues.
- The Linn and Polk County Local Air Quality Programs have increased personnel and benefits costs.
- The UHL contract amount reflects an increase due to increased personnel costs. The contract also increase by \$222,000 to accommodate changes in the PM_{2.5} monitoring.
- The UNI small business assistance agreement amount reflects a small increase to cover increases in personnel costs.
- An expense for laboratory analysis related to PM_{2.5} has also been added. This expense was previously provided from EPA.

Governor Culver proposes to continue the Livestock Air Monitoring program. The Governor's Budget also includes a proposal to increase support to meet new federal match requirements.

Mary Gail Scott asked if the Department has meet with the regulatory committee regarding this fee increase.

Wendy Rains said that they have informed the regulatory committee and only received one comment.

Motion was made by Mary Gail Scott to approve the Air Quality – Title V fee increase as presented. Seconded by Susan Heathcote. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE - CHAPTER 22, SPECIAL REQUIREMENTS FOR VISIBILITY PROTECTION

Wendy Rains, Environmental Specialist of the Air Quality Bureau presented the following item.

The Commission will be asked to approve amendments to Chapter 22 "Controlling Pollution" of the 567 Iowa Administrative Code.

The purpose of the amendments is to adopt the federal regional haze regulations and to implement the Best Available Retrofit Technology portion of the regulations.

Previous federal regulations addressed visibility impairment attributable to specific sources. The 1999 federal Regional Haze Regulations address visibility impairment resulting from air pollution transported hundreds of miles and attributable to the cumulative emissions from widely distributed sources. Regional haze is visibility impairment caused by tiny particles that absorb and scatter sunlight, giving the sky a veil of white and brown haze.

In 2005, the department promulgated rules to assist in identifying stationary sources of air pollution potentially subject to the Best Available Retrofit Technology (BART) emission control requirements established by the federal Regional Haze Regulations. Stationary sources subject to the first rulemaking have provided the required information to the department. This rulemaking describes the process by which a stationary source is notified of its BART-eligibility status, defines the criteria that establishes a BART-eligible source's contribution to regional haze, and outlines the requirements for completing a BART analysis. This rulemaking also establishes a notification process for the initial and periodic reviews in the context of the federal Regional Haze Regulations.

The department has been meeting with a group of representatives from potential BART-eligible sources regarding the BART requirements and the timeline mandated by the federal regulations for implementation. The department will continue to meet with the group during the process of finalizing the BART determination and its requirements.

This rulemaking, the final BART determinations, and the associated modeling demonstrations will be submitted in a state implementation plan (SIP) to U.S. EPA in December 2007. After the initial SIP submittal, the department will continue to work with regional haze planning partners for the periodic review report due five years after the initial SIP and the comprehensive review due in 2018.

A public hearing was held on March 2, 2007. No comments were presented at the public hearing or during the public comment period. The public comment period closed on March 5, 2007.

If the Commission approves these rules, they will be published in the Iowa Administrative Bulletin and adopted into the Iowa Administrative Code on May 23, 2007. The rules will become effective on June 27, 2007.

Motion was made by David Petty to approve the final rule for Chapter 22 as presented. Seconded by Charlotte Hubbell. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE - CHAPTER 22 (AIR CONSTRUCTION PERMITTING EXEMPTION)

Jim McGraw, Environmental Program Supervisor of the Environmental Services Division presented the following item.

The Department is requesting that the Commission approve an amendment to Chapter 22 "Controlling Pollution" of the 567 Iowa Administrative Code. The purpose of this amendment is to list additional equipment for which no construction permit is required because of low emissions of regulated air pollutants.

Between July 2006 and September 2006, the department and representatives from the Iowa-Nebraska Equipment Dealers Association, Ziegler Cat, Cessford Construction, the Iowa

Limestone Producers Association, equipment manufacturers such as John Deere & Company and Vermeer Manufacturing, and the University of Northern Iowa Air Emissions Assistance Program met three times to discuss permitting considerations related to emissions from agricultural equipment and construction equipment repair facilities and dealerships. When agricultural and construction equipment with internal combustion engines is operated on or off road, it is not required to be permitted. When this equipment is serviced at a repair facility or dealership, the emissions from the equipment when operated inside the facility are frequently vented through a vent or stack. These facilities are considered stationary sources by definition, and the Department has the authority through the construction permitting process to regulate the emissions from the facilities.

The Department has historically not sought construction permit applications for emission points at agricultural and construction equipment repair facilities and dealerships that are only exhausting emissions from mobile internal combustion engines. The Department reviewed the technical validity of exempting emissions from agricultural and construction equipment mobile internal combustion engines at repair facilities and dealerships from the requirement to obtain a construction permit. Based on emissions and operating information obtained from the workgroup, the Department is proposing that emissions from agricultural and construction equipment mobile internal combustion engines at non-major repair facilities and dealerships be exempted from the requirement to obtain a construction permit. This amendment is expected to have little or no environmental or human health consequences.

A public hearing was held on March 5, 2007. No comments were presented at the hearing. One written comment was received prior to the close of the public comment period. The submitted comment and the Department's response to the comment are summarized in the attached responsiveness summary. No changes were made to the proposed amendment published in the Notice of Intended Action.

Charlotte Hubbell asked how do you define a non-major repair facility?

Jim McGraw said that it is basically a non-pilloried facility so this would be all the facilities doing this kind of work. Generally by definition a major source would be a source of 100 tons per year or more of a criteria pollutant or 10 tons per year of a hazardous of air pollutant and 25 tons per year of two or more hazardous air pollutants.

Charlotte Hubbell said that I'm wondering if these facilities are in a particular area or are they dispersed throughout the state so that if you had two or three in one area maybe the combined total would be 100 tons?

Jim McGraw said that's something we looked at. Generally they are scattered. The largest engine in these types of facilities is a 750 horsepower engine. We did emission estimates on that size of an engine and came up a tons per year number

<i>Motion was made by Susan Heathcote to approve the final rule for chapter 22 as presented. Seconded by Charolette Hubbell. Motion carried unanimously.</i>
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APPROVED AS PRESENTED

REFERRALS TO THE ATTORNEY GENERAL

Edmund J. Tormey, Chief of the Legal Services Bureau presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

❖ U.S. Nation Mart, Inc. and Ved Pal, Davenport, Ia

David Wornson, DNR staff attorney. The department is recommending referral of US Nation Mart, Inc. and two individuals who are owners and operators of underground storage tanks in Davenport, Iowa. The basis for this referral is a continuing pattern of violation of underground storage tank, operation and maintenance types of rules. Basically we have been dealing with this entity going back as far as 2003. Inspections conducted in 2005 and another January 2006 basically found the same pattern of violations. The kind of violations we're talking about are include leak detection violations where operators are required to maintain some form of leak detection on their tank systems. As results of both inspections; the owner/operators could not establish that they were really conducting any type of approved leak detection. They attempted to show that they were doing some kind of inventory control. They appeared to be giving us inventory control records that were being maintained by the fuel supplier for purposes of maintaining a record of deposits of fuel. We also found that they were failing to do what we call annual line leak detector testing and line tightness testing. The lines have to be tested annually. They are also required to test line leak detector units which are units on the piping that are designed to detect the loss of pressure in the piping and an alarm is sounded indicating a leak. Both inspections showed they failed to timely conduct those tests. They also failed to do 3-year corrosion protection tests of tanks that have an impressed current system designed to keep the tanks from rusting. They are required to have that system tested every three years. The 2005 and 2006 inspections showed they had not produced that 3-year inspection. They also failed to do an internal inspection of the tank system. The pattern has been that when we go in to do these inspections they don't have any of this information and because they don't we then require them to tightness test on the entire system to make sure the system is tight and they always do that after we come in for an inspection. So far the tightness tests have passed. It's because of this pattern of violations that we feel we need to refer to the AG's office some penalties in excess of the statutory rate of \$10,000.

Do you observe the tightness test or are they done by a certified tester or something?

David Wornson: Yes, they are done by a third party tester. They did also this time hire a contractor do the internal lining inspection and that was done April 3. The inspection was done in January. And as of this morning I contacted the company who had done it and they indicated a review of it had been completed; but they couldn't give me the results until they got approval from the customer.. These tanks were installed in '73; very old tanks, tanks that we are very concerned about.

Motion was made by David Petty to refer US Nation Mart and Ved Pal to the Attorney General's office. Seconded by Henry Marquard. Motion carried unanimously.

REFERRED

NOTICE OF INTENDED ACTION – RESCISSION AND ADOPTION OF CHAPTER 7, “RULES OF PRACTICE IN CONTESTED CASES”

Ed Tormey Chief of the Legal Services Bureau presented the following item.

The Commission will be asked to approve the attached draft Notice of Intended Action to rescind 567 Iowa Administrative Code (IAC) chapter 7, “Rules of Practice in Contested Cases”, and to adopt by reference a new version of chapter 7. The new version of chapter 7 has been adopted at 561 IAC chapter 7 (the Director's rules).

Chapter 7 contains the procedural rules for contested cases. On September 27, 2006, a Notice of Intended Action was published in the Iowa Administrative Bulletin to rescind 561 IAC chapter 7 and to adopt a new version of chapter 7. The new version of 561 IAC chapter 7 addresses procedural issues that have arisen in the past on a recurring basis. It also clarifies the procedural practices of the department.

No comments were received regarding the Director's Notice of Intended Action. In addition to the department's legal staff, the new version of chapter 7 was reviewed by an administrative law judge from the Department of Inspections and Appeals, and by a group of volunteer attorneys who are members of the Iowa State Bar Association.

An Adopted and Filed Notice for 561 IAC chapter 7 was published in the Iowa Administrative Bulletin on January 31, 2007, and the new version of 561 IAC chapter 7 became effective on March 7, 2007.

Ed Tormey said that this is somewhat of an interesting rule and somewhat unique but basically the DNR Director has rule making powers separate and apart from either commission and those rule-making powers relate to general administration of the department. Things that carry over to all sectors of the department such as office administration, contracts, public records, and variances. This also includes in this case the rules of procedure when there is a contested case because not only are contested cases done on the environmental side of our department but we also have contested cases on the natural resource side as well. Because of that the general assembly has given the director specific rule making power to govern the administration of the department. What we normally do when we update these rules is we go forward and do a notice of intended action like we would do going to the commission. However, there is no commission to get approval from. We go straight out to the public with the notice, receive comments, and come back and do a final action. We've done that already with these rules and these rules are an update to the contested case rules already on the books. Some of the general purposes of going through this revision are to make the rules more efficient and put them in a better order. We did solicit comments from members of the Iowa State Bar Association in the original rules package. These rules have gone through public review and these are now in effect in the director's rule-making chapter of the Iowa Administrative Code, Chapter 561. Now we are looking to go to both commissions and to have them adopt by reference these rules because in order for them to be effective in Environmental Protection Commission proceedings, you need to adopt them into your rules so they can be used in Chapter 567 of the Iowa Administrative Code. Otherwise, we still must use the old rules because those are the rules you have approved by incorporation. So what we are trying to do today is to gather your approval to go forward. We're still going to go through notice like we did before. We are unlikely to get any comments because we have already gone out there and shook the tree; but we may and if we do we'll have to address those. Obviously, what we're hoping is that the public is satisfied that the original rule-making we did is just fine for each commission to adopt. We're coming to you today under the notice of intended action.

Chairperson Hanson: asked what changes will we notice?

Ed Tormey said that basically to make it clear that you can seek a stay and under what events you can seek a stay. Before it was less than clear. Some people thought that their appeal automatically served as a stay of the department action and others thought that you had to actually request the stay in every event and so just to get everyone on the same page we created a clear procedure with respect to how that works.

Mary Gail Scott asked if this applied to permits that are contested as well as enforcement actions and referrals, and ALJ decisions?

Ed Tormey: said Yes, but not with respect to AG referrals. The courts have made very clear that the procedure you just heard from Dave; that is not a contested case. That is because the party's rights are not impacted to the point where contested case requirements kick in. All you're doing with the referral is you're approving the fact that this matter should be moved to another tribunal for deliberation on the full merits whereas an appeal of a license or permit or an appeal of an order is a contested case and those are the two kinds of appeals you will see.

Mary Gail Scott asked which is the same as an ALJ decision? Do you consider those to be synonymous?

Ed Tormey said yes. The first thing that happens with an appeal is that we receive a notice of appeal and at that point we set the matter for hearing and we use an administrative law judge from the Department of Inspections & Appeals. We pay for that judge, and they hear the case, and they render a proposed decision after hearing that case and then I take those proposed decisions to you guys in every case; even if there is no appeal of that proposed decision because ultimately you make the final call on those proposed decisions and that's what happens 99% of the time. The 1% of the time where a party appeals the decision and then it came before you in your role as administrative tribunal, these rules are in fact going to clarify and amplify your role as a judicial body as well as the rights of the parties who come before you. It covers that entire spectrum.

Mary Gail Scott asked if this is the part where there is a 35-day period after they request a review that we have to hear it?

Ed Tormey answered yes.

Mary Gail Scott asked if there anything that you change to be able to extend that 35 days?

Ed Tormey said that he doesn't believe so.

Chairperson Hanson said that a few times the 35 days has caused us a few problems.

Male: Any thought about going to 45?

Mary Gail Scott said that at least agreeing that you would extend it for 10 days so that it would be a regular commission meeting? Anyway that was just a thought; but from our prospective it sounds like the changes that you have implemented are invisible to us; that our procedures and our deliberations will stay the same.

Ed Tormey said yes: Clearly, the parties' duties and rights before the commission are changing a little but you shouldn't see that. Obviously folks will need to read the new rules to see exactly what they need to do to come before you; but your role isn't changing. That's why we thought it was important to get the comments from the practitioners in this area because they are really the ones who are going to need to be up to speed and so that is why we solicited members of the bar.

Dave Petty asked how is this going to relate to and anything to the director's discretion on any particular issues?

Ed Tormey said that if we decide to use in a specific case the department evaluation rule we would be doing that in a manner where we would be making a final action of some sort and requiring that the permit be denied which would kick in the rights for an appeal. It could also be

that that doesn't happen and that the parties seek judicial review of that rule in district court. Depending on how it gets brought up. And if it's brought up in judicial review the objection associated with that rule is going to be something that we will have to overcome in any sort of proceedings in court. It could also show up in context when we deny a permit based on some factor in the department evaluation rule and that denial of a permit would be something that would trigger contested case and so, yes, it would be something that the commission would hear potentially.

Dave Petty said that these actions will be subject to the same appeal process in front of this commission. They will come here if someone wanted to contest use of the rule .

Ed Tormey said that in fact I believe in the rule itself we made it very clear that any use of this authority will afford people rights under chapter 7 which is our contested case proceedings.

<i>Motion was made by Henry Marquard to approve the NOIA for Chapter 7 as presented..</i> <i>Seconded by Susan Heathcote. Motion carried unanimously.</i>
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Henry Marquard:said that he did read them naturally as part of the work with the bar association. They are from a practitioner's points of view, they are much more user friendly. They are written more for the lawyers who went to law school in the 90s and 2000s rather than those who went to law school in the 1940s which is what the old rules was sort of; my dad enjoyed the old rule much better.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION - CHAPTER 93 - NONPOINT SOURCE POLLUTION CONTROL SET-ASIDE PROGRAMS

Patti Cale-Finnegan, Water Quality Bureau presented the following item.

The Notice of Intended Action is to change Chapter 93 "Nonpoint Source Pollution Control Set-Aside Programs" is presented to the Environmental Protection Commission for approval. The changes primarily affect the Livestock Water Quality (LWQ) Facilities program, which, as part of the Clean Water State Revolving Fund, provides low-interest financing to eligible animal feeding operations for manure management structures, equipment, and plans.

A new facility design, which appears to be environmentally beneficial, is the vented confinement building, or deep-vented building. The current rules for the LWQ program do not allow for

financing these structures. The Department is proposing to allow financing of these types of roofed facilities under certain conditions as outlined in the draft rules.

Other proposed changes include the following items:

- A restating of the purpose of the program to include pollution prevention;
- Updating the date for the federal definition of a Concentrated Animal Feeding Operation in both the LWQ and the Local Water Protection Program;
- Clarification of the descriptions of eligible practices;
- Referencing the definition and requirements of manure management plans in 567 Chapter 65;
- Updating the requirements for project approval and removing the option of departmental review of plans and specifications;
- Allowing financing of updates to manure management, nutrient management, or comprehensive nutrient management plans as part of project financing;
- Adding a requirement for recipient record-keeping; and
- Adding language allowing the establishment of loan fees in the Intended Use Plan.

A stakeholder meeting was held March 19, 2007 to solicit input from agricultural and environmental organizations. A comment was received from the Des Moines Water Works that financing of updates to manure management plans should only be allowed if needed for a new water quality project financed through the LWQ program. The proposed rules have been amended to respond to that comment. The NOIA was presented to the Commission for information at the April 3, 2007 meeting. A public hearing is scheduled for June 14, 2007 in Des Moines.

Patti Cale-Finnegan said that is the chapter that describes all the non point source programs for the clean water state revolving fund and the changes that we are proposing here are really only affecting livestock water quality facilities program and that is a program that provides low interest financing to eligible animal feeding operations mainly for manure management structures, equipment, and also for planning. This discussion started about a year ago when the USDA Natural Resource Conservation Service decided to fund buildings through the Equip Program. At that time we started looking at whether or not we could provide loan financing to supplement those grants. When we looked at it, (1) we had to make sure it was covered under our rules which we discovered it wasn't, we didn't think our current rules would allow us to finance it and then also we wanted to make sure if we financed it, it was really an environmental benefit and not being built for other reasons. I think after looking at all the research, working with the Iowa State and with other groups and NRCS in particular, it became clear that while there are some other reasons that farmers are putting up these buildings the environmental benefit is one of primary benefits; therefore, we felt it was justified for us to begin financing those structures, so that's why we are bring these rule changes to you today. While we were going in and tinkering with one of the rules for this purpose we wanted to take a look at how we were addressing other aspects of the program so there are a few other things that are included here that are probably more minor considerations but definitely should take a look at those too. For example, we wanted to be able to finance updates of manure management plans or comprehensive manure management plans when they are coming in through financing another project. We wanted to be able to charge fees for these loans. Up till now we had not charged

any loan fees on our project but as the costs of administering the non-point source programs have been going up we think it is only fair that in the future we be allowed to charge fees to cover those costs so those are some of the other items that are intended here. We did have a stakeholder meeting March 19 and this came to you last month. We got no major comments from the stakeholders so we are proposing this for a notice of intended action.

Chairperson Hanson:asked if they could explain what a deep vented building is.

Male: Of course it would have a roof on it; it's a building and then you normally have stocks or something to bed it, and the theory behind it is what happens is you're avoiding is you are avoiding mother nature spoiling the day and everything is great until she rains and this is taking the clean water off the manure essentially so there is a huge environmental benefit. In a way there is nothing different than the old days but every building has some kind of structure for the manure handling facility. You have a manure management plan that goes along with it. It is just a matter of deep vented on the roof.

Male: As I understand it, if I could, it's a cow confinement. They use the stocks and the bedding is actually dry and it goes up, and up, and up, until they clear the dry bedding so you have dry manure storage instead of wet manure storage so environmentally there is quite a few benefits to having this.

Male: You essentially taking the clean rain water and keeping it out of ever getting mixed in with the nutrients so then you are hauling back out dry .

Charlotte Hubbell asked if you can remove the options for departmental review of the plans and specifications?

Patti Cale-Finnegan said that when we started the program all of our SR projects go through two tracts: one is a technical tract, and one is a financial tract so you have to get approval from some environmental agency that the project was designed properly; that it is going to serve the purpose that it's intended to serve from water quality. And so from our various non point source programs we have various environmental agencies involved in providing that project approval. What we find with this program is that the DNR did not have the resources to review plans and specifications for these livestock programs so we have other methods of project approval where we are relying on other entities to review those plans. If it's come in through NRCS or if they've been involved in the design, we accept their project approval. If it has a PE (Professional Engineer) certification that comes in with it, we accept that but we just don't have the staff to provide the technical ____ for this project. We had a couple cases last summer where we would try to do them and it delayed the projects, people were not happy, no one was happy. So we just want to take that out of the rules, because it's not an option we can provide.

Charlotte Hubbell asked if somebody is doing the review?

Patti Cale-Finnegan said that a NRCS or professional engineer is providing that.

Motion was made by David Petty to approve the NOIA for Chapter 93 as presented. Seconded by Ralph Klemme. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION: CHAPTER 61, WATER QUALITY STANDARDS (CHEMICAL CRITERIA REVISIONS)

Charles C. Corell, Chief of the Water Quality Bureau presented the following item.

The Notice of Intended Action is to change Chapter 61 “Water Quality Standards” is presented to the Environmental Protection Commission for approval. These changes are being proposed as part of the ongoing review of Iowa’s WQS.

The Notice of Intended Action initiates modifications to Iowa’s current Water Quality Standards (WQS) chemical criteria as listed in 61.3(3), Table 1. The modifications will revise the current numerical criteria for 23 chemical parameters to protect aquatic life for the following designations: Class B(WW-1), Class B(WW-2), and Class B(WW-3).

The 23 parameters include: arsenic, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, zinc, cyanide, pentachlorophenol, aldrin, chlordane, 4,4’-DDT, endosulfan, heptachlor, heptachlor epoxide, toxaphene, aluminum, chlorine, lindane, and dieldrin.

The modifications will also revise current numerical criteria to protect human health for 42 chemical parameters for Class HH – Human Health.

The 42 parameters to protect human health for the Class HH designation include: aldrin, antimony, arsenic (III), benzene, benzo(a)pyrene, bromoform, carbon tetrachloride, chlordane, chlorobenzene, chlorodibromomethane, cyanide, 4,4-DDT, para-dichlorobenzene, 3,3-dichlorobenzidine, dichlorobromomethane, 1,2-dichloroethane, 1,1-dichloroethylene, 1,2-trans-dichloroethylene, 1,2-dichloropropane, bis(2-ethylhexyl)phthalate, dieldrin, 2,3,7,8-TCDD(dioxin), endosulfan, endrin, ethylbenzene, heptachlor, heptachlor epoxide, hexachlorobenzene, gamma-BHC(lindane), hexachlorocyclopentadiene, lead, nickel, polynuclear aromatic hydrocarbons (PAHs), pentachlorophenol (PCP), polychlorinated biphenyls (PCBs), phenols, tetrachlorethylene, thallium, toluene, toxaphene, trichloroethylene (TCE), vinyl chloride, and zinc.

These proposed amendments will revise the current chemical criteria for the parameters listed above to reflect the latest scientific information and Environmental Protection Agency (EPA) national guidance.

This rule package is loving known by staff as the patch. The reason we call it that is that what we refer to as the big package of water quality standards was effective last March. We sent it to EPA in April; they have yet to approve it. We have been working diligently, it seems non stop, with EPA since then to get to a point so they can approve that big water quality standards package and we think we are there now. What they told us was that we needed to come up with revisions to 25 of the aquatic life criteria that we need to revisit/revise/justify any changes from what the national number is so that they had better information that they felt more comfortable in approving the water quality standards package. We spent a lot of time going through those 25 criteria. We actually were planning to adopt the EPA numbers for almost all, 19 of those 25. The remaining six we had recalculated new numbers that we thought were based on sound science and the difference is essentially because of the different species found in Iowa streams compared to what EPA used in their data base of species for the national numbers so we could take some of the more sensitive ones that didn't occur in Iowa. We were at loggerheads with EPA over that proposal and I will credit Director Leopold for coming in with a clear point of view and a clear head and saying you know, it doesn't make sense to argue over science over these six criteria when if we passed EPA numbers we could get our bigger rule package passed a lot sooner. That is what we are proposing today. We are proposing to adopt EPA numbers. I think the official count is 23 of those perimeters. We are adopting EPA's numbers so that there will be no question with EPA as to whether that is appropriately protective of Iowa's streams because it is their number. In addition to that we are proposing criteria for 42 human health perimeters. We created a new human health use with the big package and this will allow us to start using it if we have those criteria in place. All 42 of the human health criteria are either EPA national numbers or they are carcinogens. For carcinogens EPA doesn't necessarily recommend a number; it says that you can use either the one in 10,000, the one in 100,000, or one in a million cancer risk number. We chose one in 100,000 cancer risk because that is consistent chapter 131 which is what the underground tank section uses and the contaminant site section uses to determine risk for cleaning up one of those kinds of contaminant sites. So to be consistent with the rest of DNR we are proposing those 42 perimeters the numbers consistent with EPA number or 1 in 100,000 cancer risk. I want to pass this out; this is a draft of a fiscal impact statement. I want to introduce this and point out a few things in the fiscal impact statement. Normally we would have a fiscal impact statement for you to review with the rule package; I apologize for handing this to you in the meeting and being very late with this; but we have had a heck of a time, heck of a tussle with coming up with economic impact with this rule package. If you turn to page seven, I will explain why we had so much trouble with this statement. See on page seven there are nine factors; these factors are all necessary, you have to consider all these factors when we are looking at the economic impact of these 23 perimeters. With this rule package, because most of these 23 perimeters are metals or banned pesticides, nobody discharges banned pesticides so they are really off the table as far as economic impact, but a lot of facilities discharge metals in their wastewater in a dissolved form, but more commonly they discharge to the city's wastewater treatment plant and then the city discharges those metals. When you look at the economic impact you can go to the permit holder which might be the city in most cases; but they may have one, two, or a dozen industrial contributors contributing wastewater to them. Everyone of those industrial contributors could be contributing various amounts of those metals to the total. How much of the flow from that facility is a determining factor to the city. How much of the metal is in that flow compared to the other facility? Do they treat at the facility before they dump it in the city sewer or not? Those are

some of the things that go into that. What happens at the city, because there's not necessarily treatment there but there certainly can be some reduction, there certainly dilution from fresh water heating the sewer system, there is dilution by having non metal containing wastewater being added to the stream. There is a lot of factors going on here so when we try to talk about what's the impact to the regulated public, if you go to the permit holder there's probably not much impact to the city because they don't treat for metals anyway and the first thing they would do is tighten their metals would be to go to their contributors and say you have to give us less this that or the other thing as far as metal go. The impact to that facility depends on well okay there could be a two, three, four, six way negotiation between a city and their industries on who gets to contribute what amount of that metal. We got ourselves in a real pickle trying to figure out what the economic impact is going to be with this package so we wrote 15 pages and when you get a chance to read this later and find out there's not very many dollar signs in there. We talk about who made the impact, why they may be impacted, and how they are going to be impacted. But we can't necessarily say well here's what we think the general overall statewide economic is in this rule package. It would be substantial, extensive. There is an example in here when we looked at Ft. Dodge Animal Health which is actually Charles City.

Darrell Hanson asked if the substantial higher than extensive.

Charles Corell: Oh, yeah. It is substantially so. Fort Dodge Animal Health in Charles City, for example; we looked at how they treat their four mills. We got some cost information from EPA. When you treat metals one of the more common methods you alter the chemistry of the water and it precipitates out and that is a fairly straight forward method for treating metals. EPA estimate cost figures on that. Well, you look at Fort Dodge Animal Health and what we could figure out as a worst case scenario, and they have a number of these metals not just one, they discharge a number of these, we came up with a worst case scenario of 42 million dollars impact with just this one facility. We started looking at well, okay what if they start using something a little bit cheaper, what if it's not the worst, what if it's medium of the road, what if it's the least worst, the easiest case and we came up with no you cannot pick that. For this one facility we have an unuseful range of economic impact anywhere from nothing to \$42 million a year. That is somewhat of a descent microcausal in the bigger picture is that yes we could spend a number of months at trying to dig at numbers but we'd probably come up with a range similar to that; the range would be from very low to extremely high and we don't know that would do that, we don't know what value that would be. So we left it with a discussion of who and why and somewhat of the hows.

David Petty said that when you thought 19 out of 25 of EPA numbers and went ahead with all 25; are they achievable or reachable for Iowa?

Charles Corell: Yes, they are. Remember this is the concentration in the stream that would be considered safe. There are a number of factors that can affect that. Certainly the amount they discharge. Also how much water is in the stream naturally for assimilation accounts for that also. So for example Charles City discharges into the Cedar River if I remember correctly while water in the Cedar River while somebody like Fort Dodge Animal Health may see less of an impact because this city is eventually discharging into a larger stream than if it was a smaller town that discharged into a small stream or even a dry run. Generally speaking, yes, we think

these are all achievable. One thing I want to point out, is that when we had our original proposal for these 23 with the six recalculated ones, we were curious as to how this list compares with other states and if you look at the whole list of the 23 or 25, whatever it was at that time, with very few exceptions everyone of those criteria were states in the Mid West. Now that we are adopting EPA numbers these numbers are going to be a little bit lower than the numbers that we have calculated so I feel very confident to say this set of criteria is the most strict set of criteria with those perimeters in the Mid West.

Susan Heathcote said that she was just going to say that I think it's really nice to see Iowa taking a real protective stand on the chemical criteria. This is, how many time have we heard that we are the last or the worst in the country and it's nice to see us kind of leap frog ahead of some of the states around us and being more protective is not necessarily a bad thing. There may be some additional costs here but I think the cost, there is also economic considerations. If there is a situation where these criteria present an economic hardship the water act does have a way of addressing that and I think we have to remember that this is where we want everyone to be but that if there is an economic on a site specific basis there are processes within the clean water act to arrest that so that we don't create a hardship.

Richard Leopold said that he's been watching this from both sides of the street and when we talk about more protective I would watch how we couch our words here. This is minimum federal standards that we are dealing with and if you deviate from the defaults that the EPA give you, you have to scientifically justify. First, why would you want to deviate unless there is preponderance of evidence or a huge economic cost or something that you can't attain them so it's not like we are going over and above EPA standards to make Iowa the shining star in water quality. These are minimum EPA standards unless proven otherwise. The cost, it is so hard to calculate: zero to 42 million a year for one industry. Now when that is applied in the field it will a lot closer to zero than \$42 million when industry get a hold of these and has to deal with the situations they are going to look for the most effective, lowest cost solution that they can and we will help them do that. If there is cases where there is going to be significant economic impact as Susan eluded to we have opportunity for variances so if there is an industry or city or something like that or because we accepted the default standards and we don't believe that this type of aquatic life is in this stream, we can go look. We have biologist, we can go out there and take a look at that stream, take a look at the cost, and then make a case by case determination with the facilities that might be affected. I feel very good about where we are with the water quality standards but I think it is very important how we talk about these especially as we go, you commissioners are going to be approached about this in the media in your hometown coffee shops and everybody else. If there are any questions, Chuck, Wayne, myself, others, can help in how you want to talk about this.

Chuck Corell said that we plan to finalize the draft to be published with the notice of intent so that everybody sees the physical impact statement. We have a little bit of wordsmithing to do. We are also most likely going to add a couple of paragraphs to bring it to the level of full blown regulatory analysis which is something the committee can ask for. If we bring it to that level early then we don't have to hold up the process longer than necessary to give them that regulatory analysis.

Henry Marquard said that he's heard from a number of towns and we've had people from the water pollution control association. I've heard a couple criticisms with the process. One is the technical advisory group was not properly consulted. I don't know if you have a reaction to that 'cause I know they've made a big discussion point of the day. They feel using the advisory group wasn't followed. I have two points, if you want to comment on that one first.

Chuck Corell: We did form a technical advisory committee and we did meet once. We didn't get very far, this was back when we had the 19 and the six new ones/recalculated ones. We met with them. We spent most of that meeting trying to get them up to speed on the science so we didn't get a really good chance to get their scientific reaction to our science. We planned subsequent meetings to get there. It was in between that first meeting and a planned second meeting that we decided that it would be best to go with EPA numbers rather than any kind of recalculating numbers. Typically speaking we did consult with them, but no it really doesn't meet the full intent that we didn't get the chance to fully consult with them.

Richard Leopold said that this is just a half step back on these technical advisory committees, 'cause we have a number of them and I think most of the time they function quite well and there is little dissention. There is basic consensus, we go forward, we pass rules or what have you. Every once in a while that doesn't happen and the case in water quality since it has been so contentious over the years here; we had a point five years ago where this technical advisory committee in water quality had grown to fifty/sixty people and half the people in the room had no scientific or technical background whatsoever and it got to be a very political game. Then they would come before you and say I'm on the water quality technical advisory committee. Well, what does that mean? Okay. So we had to go through a process but the DNR quality is looking at do they actually have scientific and technical background and who do we need to consult and not that those other stakeholders weren't important but when you draw together the technical aspects you need those kind of people and then when you are looking at the different sociological and economic impact then you need the larger stakeholder groups to talk with. It's a process. Another last point I'll make with the technical advisory committee is the middle word.

We go to the best of the best, get information, we try to base it on the best science and technological information we have on hand, but then we have to make a call. We have to do what the DNR has to do. On both of those points sometimes I think it gets mixed up in the larger community on what the role of what these advisory committees are.

Susan Heathcote said that one of the other issues in the particular situation was what was going to be required for us to make a case to EPA that we could exclude certain aquatic life from our recalculation process. We have to prove to EPA if you are going to exclude a sensitive form of aquatic life that would result in a more protective standard you have to be able to establish that that particular species exists in Iowa. We did not have the data to do that. We haven't done studies in Iowa. We were looking primarily at studies that have been done outside of the state of Iowa. Even those were pretty sketchy.

Chuck Corell said that he believes the staff and I have adequate scientific justification for our position. Matter of fact, we think our justification was light years ahead of a lot of the science

the EPA uses to set some of their natural moments. E. coli being a perfect example. But I will concede there was a lot of discussion, a lot of argument over the quality of that science mind.

Male said that one of the things that I do hear from both the cities and industrial groups is that the EPA numbers really don't have especially in the acute numbers seem to be wide spread acceptance. The aquatic numbers especially chlorides and things like this is a lot of discussion whether those numbers are accurate and I know one of the issues I have heard is if your numbers are more accurate than those, use those numbers. I know we are going to get a bunch of public comment.

Richard Leopold said that would be a valid point. If that's the case, I think the challenge first would be with the EPA and if it's industry's position that EPA's numbers are wrong, then I think the burden of proof falls on industry to prove that. We just don't have the resources to go to back on numbers that we are given default values on.

Male: I was hoping that that comment we make to groups that if that's going to be their case that make people was to challenge the validity of the numbers they should present the case to challenge the validity rather than just making a statement of it. I'm sure we are going to get a lot of public commentary on this. I would hope that the rule period. Whatever happened to the public comment period on this.

Chuck Corell said that we have six public hearings planned in all corners of the state.

Motion was made by Sue Morrow to approve the NOIA for Chapter 61 as presented. Seconded by Susan Heathcote. Motion carried unanimously.

APPROVED AS PRESENTED

UPDATE ON 567-CHAPTER 113 "SANITARY LANDFILLS FOR MUNICIPAL SOLID WASTE: GROUNDWATER PROTECTION SYSTEMS FOR THE DISPOSAL OF NON-HAZARDOUS WASTES" RULE MAKING PROCESS AND PRESENTATION OF SHAW ENVIRONMENTAL STATE COMPARISON REPORT

The following informational item is intended to provide the Commission with an update on the Department's rule making to rescind 567-Chapter 113 "Sanitary Landfills: Municipal Solid Waste" and adopt a new chapter in lieu thereof as 567-Chapter 113 "Sanitary Landfills for Municipal Solid Waste: Groundwater Protection Systems for the Disposal of Non-Hazardous Wastes." The Commission will be asked to approve the final rules at its regular meeting in June.

It has been almost six months since the Commission approved the Notice of Intended Action (NOIA) to adopt 567 - Chapter 113 "Sanitary Landfills for Municipal Solid Waste: Groundwater Protection Systems for the Disposal of Non-Hazardous Wastes." The rule making is a complete

revision of the Iowa regulations for the permitting and operation of municipal solid waste (MSW) landfills. The rule package has generated a significant amount of interest as is evident from the many commenter's at past Commission meetings.

Federal regulations required all Iowa MSW landfills to close or become compliant with federal law by October 9, 1994. If a landfill was not built to the new federal standards, then it was required to stop accepting waste and perform final closure. When Iowa received approval from the U.S. Environmental Protection Agency (EPA) for its landfill program, the Iowa Administrative Code rules contained a provision that can be interpreted to allow any landfill built before the effective date of the rules, November 13, 1996, to continue to operate indefinitely. This rule remains in effect today and is a direct rejection of the federal requirement that non-compliant landfills would stop accepting waste by October 9, 1994.

Revision of the MSW landfill rules has been a part of the Department's Solid Waste Rules Revision Plan for several years based on the conclusion that the rules are out-of-date, not protective of the environment (particularly groundwater), and violate federal law. This rule making has been a long process. The Department first notified landfill owners of the intent to revise the rules in July 2003. The proposed rules are based upon portions of the existing rules, the federal regulations, and the rules of surrounding states. Part of the rule revision process was to negotiate a new compliance date with the EPA to bring all landfills into compliance. The EPA has given Iowa until October 1, 2007 to achieve compliance with the 1994 deadline.

Much activity has occurred with this rule making since approval of the NOIA last November. Members of the landfill industry asked for a review by an independent expert to look at the technical aspects of the proposed rules and to compare them to the requirements of other states in the surrounding area. The Department welcomed this idea and in February negotiated a contract with Shaw Environmental, Inc. to complete a comparative analysis of select portions of Iowa's proposed rules to that of six surrounding states. Based on the findings of the comparative analysis, Shaw Environmental, Inc. believes the proposed rules are consistent with those from surrounding states. A copy of Shaw Environmental, Inc.'s final report is provided with this brief for the Commission's review.

Members of the landfill industry have also raised questions about the cost of the new requirements contained in the proposed rules. In order to address those questions, Department staff prepared a detailed fiscal impact statement as well as a regulatory analysis addressing the requirements in Iowa Code section 17A.4A. The Department also completed a financial impact statement as required in Iowa Code section 455B.105(3) for each rule item that is different than the federal program being implemented.

Commissioners also heard comments that the regulated community had not had sufficient opportunity for input. While the Department believed it had been providing significant opportunity for input, it was sensitive to this concern. For that reason, the Department initially agreed to extend the public comment deadline from January 26, 2007 to February 23, 2007 and add a fourth public hearing to ensure that the public had ample opportunity to present their concerns. A request was made at the February Commission meeting to extend the comment period beyond February 23rd. The Department accommodated this request by extending the

deadline for submitting comments again until March 5, 2007. This extension allowed the public an opportunity to review the financial impact statement prepared in response to Iowa Code section 455B.105(3).

Department staff have met with individual landfill owners and their consultants on at least 25 separate occasions to discuss how the proposed rules will affect their existing landfill facilities. Department staff also met in January with small stakeholder groups to discuss ideas for improving several contentious issues within the proposed rules.

Concerns were expressed by stakeholders that once revisions were made, there would be no other opportunities to review the changes or make additional comments before the rules were finalized. In an effort to maximize the opportunity for input and comment, a copy of 567 - Chapter 113 with the proposed final revisions has been posted to the Department's website. In addition, a three day meeting with stakeholders has been scheduled for April 17-19 to review all of the revisions made to the proposed rules to ensure that they coincide with the public comments that were received.

In summary, the Commission requested that a final rule be developed with input from the regulated community. Department staff, as well as many of the stakeholders within the landfill industry, will acknowledge that there will always be differences of opinion in regard to the technical aspects of the proposed rules. However, the Department has strived to ensure that these disagreements are not based upon an inability to provide input. Moreover, in many cases, this input has led to changes in the rules that have resolved differences in opinion between the Department and the regulated community.

Alex Moon, Environmental Program Supervisor said that it's been about six months since we were here last seeking approval for the notice of intended action to update our landfill rules for municipal solid waste. We felt since there are some new commission members we would give an update of what happened in the last six months. We will be coming back in June and asking for approval of these rules. Just to give a brief background of why we are revising these rules; the federal regulations were promulgated by EPA in 1994. We received original approval in 1996, there is actually a section in our rules that would allow landfills that received design approval before that date to continue landfilling potentially over areas without liners or systems to collect leachate, the liquids from landfills. That rule or condition is still in our existing rules and that's just one of the concerns of the violation of federal law in existing rules. Revising these rules have been part of our solid waste provisions plans since 2000. The first step was to separate all of the different type of landfills out into their own set of rules. We completed that and the next step was to insure there the municipal solid waste rules were updated to mirror federal rules. Also concluded our rules are out of date. This process of going through the rule making has been long. We first notified stakeholders in July 2003 that the landfill rules would be revised. The rules we propose are based on our existing rules and some are on surrounding states and federal regulations. Part of this process is to bring all landfills into compliance with the minimum federal standards and in conjunction with EPA we agreed to an October 1, 2007 compliance date. That's included in this rule package. That's kind of a background and I'll bring you up to speed with what's happened in the last six months. There has been a lot of activity. One concern was that we have a third party, an independent third party look at these

rules, and compare them to other states and provide their feedback. As a follow-up to workshops with Shaw Environmental that we had several years ago for the landfill industry, we asked them to compare our proposed rules to those of surrounding states. They compared specific portions of our rules, particularly the most contentious issues, to six surrounding states and that report is provided to you with this information item and I would just say that towards the end of their findings is that the rules we are proposing are very similar to those of surrounding states. There were concerns about the costs of these rules so the first thing we did was provide a much more detailed impact statement. Although not required we went ahead and put together a regulatory analysis addressing financial impact in accordance with Iowa Code Section 17 4-a. That's for the administrative rules review committee. We also completed a financial impact statement as required under Iowa Code Section 455B 105.3. These are the items you need to identify as more restrictive than the federal program being implemented.. Rather than just trying to specify those areas that are more restrictive we went ahead and said here's all the items that are different. That was completed. Another issue was that there were concerns about the opportunity for input. We feel we had provided ample opportunity for input but were sensitive to this issue. We first agreed to extend the public comment period from January 26 to February 23 and we also had a fourth public hearing. Request was made at your February Commission meeting to extend this period beyond the 23rd and we did so; until March 5. This allowed time for the regulated community and public to review the financial impact statement of the different items in our rule compared to the federal rule. Since last November we met on over 25 separate occasions with different landfill agencies to talk specifically how the rules will impact their facilities and we've also met with small stakeholder groups to talk about some of the more controversial issues. While we were still in public comment period we thought we could do that and get some input there. There were concerns that once the revisions were made based on public comments there would be no more time to look at these rules so as soon as we finished reviewing the public comments we posted the strike through and underlined version on our website and notified the different landfill agencies that it was out there and then we set up three days of meetings with a technical stakeholder group to compare the changes we made to the public comments that we received to make sure that the changes we were making were in line with those comments. The meetings were very successful and I am pleased to hear the comments from the public this morning because it gives me the impression that the extra effort we put in has been put to good use. If there are any questions, I'd be happy to answer them for you.

Charlotte Hubbell: What are you going to do about Mr. Hadden's comment as far as will there be fines for people, for entities that don't comply with these new rules on October 1.

Alex Moon: What we've discussed internally is that if October 1 comes along and a landfill is in the process of constructing this new liner and then due to weather or contractor delay they cannot have it finished at that point, we can have a consent order to allow additional time. If they are just in denial and they aren't going to do anything, we would say that that landfill cannot be used until the liner is constructed. In both cases we feel the greater penalty, rather than issuing a fine for every day of non-compliance, is to not allow waste in a landfill that does not have a liner. What that will result in is those non-compliant landfills needing to find another landfill in the interim that is compliant.

Charlotte Hubbell: Do you know where those landfills are likely to be located. I mean do you have a good idea which landfills won't have a liner

Alex Moon: All indications now are that everyone understands and will comply. There was one landfill that we had concerns with and we asked them to come in and meet with us. They hired a new director and ensured us that they were moving towards compliance and they indicated that they will. So the indications are that everyone is out receiving bids to do the construction and that they will have a new lined cell ready by October first.

INFORMATIONAL

DRAFT 2006 STATE LIST OF CWA SECTION 303(D) IMPAIRED WATERS

John Olson, Environmental Specialist Senior of the Iowa Geological Survey and Land Quality Bureau presented the following information.

Section 303(d) of the federal Clean Water Act requires that each state prepare, every two years, a list of its waters that do not fully meet state water quality standards. Iowa's 2006 draft of impaired waters is part of Iowa's "integrated report." According to U.S. EPA guidance, states should provide a single water quality monitoring and assessment report—the Integrated Report—that combines the water quality reporting requirements of Section 305(b), the impaired waters listing requirements of Section 303(d), and the lakes reporting requirements of Section 314 of the Clean Water Act. Integrated reports are to be composed of five categories that are designed to give the public and other stakeholders a comprehensive summary of the water quality status in the state. Category 5 of the Integrated Report is the state's Section 303(d) list of impaired waters. Waters in Category 5 must be prioritized for preparation of a total maximum daily load (TMDL) to determine the load of pollutants that a water can receive and still meet state water quality standards.

Iowa's draft 2006 list of impaired waters contains 274 water bodies. The draft list is a subset of the approximately 960 Iowa water bodies or water body segments (streams, rivers, lakes, and wetlands) assessed for support of state water quality standards by IDNR staff for the 2006 assessment listing cycle. For comparison, Iowa's final 2004 list of impaired waters contained 225 water bodies. The draft 2006 list will be available for public notice for a period of 45 days from May 1 through June 15, 2007. Following the close of the public comment period, a responsiveness summary of comments received will be prepared, changes in the list will be made based on public comments, and IDNR will submit the revised draft to U.S. EPA Region 7 for review, approval, and/or disapproval.

[Begin PowerPoint presentation.]

Just to summarize again, the draft 2006 list contains 274 water bodies with 356 impairments. The number of impairments is greater than the number of impaired waterbodies because many waterbodies are designated for more than beneficial use (for example, for swimming uses, aquatic life uses, and/or for drinking water uses). Thus, a waterbody can be impaired for more than one designated use. There are 216 impaired streams and rivers, 57 lakes, and one wetland on the draft 2006 list. The final 2004 impaired waters list had 225 water bodies, with 278

impairments, so we have increased the number of impaired waters from 225 to 274. We interpret this increase as resulting from (1) the increasing amount of water quality monitoring conducted in the state, especially biological monitoring, and (2) the cumulative nature of a state's list of impaired waters. That is, once waters are assessed as "impaired" and are added to the impaired waters list (Category 5 of the Integrated Report (IR)), they usually stay in either Category 5 (impaired and a TMDL is needed) or Category 4 (still impaired, but a TMDL has been prepared and approved). Just because we haven't monitored these waters for some time, say five or ten years, we don't remove them from Category 5: they stay in Categories 4 or 5 of the Integrated Report and are considered impaired. Only when additional monitoring is conducted and water quality is found to have improved can an impaired water be removed from IR Categories 4 and 5.

Here is my summary prospective on impairment: For the most part, impairments of Iowa waters are of a moderate nature, and we can think of this because our water quality standards are designed to protect water quality just as we were talking about it earlier with the metals criteria. The standards are not designed to allow water quality to degrade to a point that it an ecological disaster. The standards are designed to be protective of water quality. So, we can have violations of water quality criteria which justify adding to the impaired waters list but water quality conditions remain fairly good in that waterbody. Some impairments are however more severe., These are the ones I would consider to have more severe impairments:

Lower Raccoon River, nitrate and bacteria – Truly, the lower Raccoon is in a class by itself as far as nitrate levels in Iowa rivers.

The decline of the fresh water mussel communities in our rivers and streams. This impairment is very troubling. A comparison of the results of mussel surveys in 1985 and in 1998 show big declines in Iowa's fresh water mussels, and nobody seems to have a very good idea why.

Volga River, bacteria. I don't know why, but bacteria levels there are higher than most other rivers, even though this river has otherwise excellent chemical water quality and biological diversity.

Repeated fish kills. We also have a few areas where we have reoccurring fish kills due to mishandling of animal waste. I think that Elk Run in Carroll County is one, and the North Fork Maquoketa River is another. Also, Bear Creek that runs through Dyersville just seems to get hammered by fish kills on a regular basis for some reason.

This map depicts just those waters in Category 5 of the Integrated Report (i.e., the Section 303(d) list). There is another map in your packet that I distributed, and this map shows not only Category 5 waters but also Category 4 waters (impaired but TMDL either already prepared or otherwise not required). We have 366 waterbodies depicted on this map, and it's a variety of lakes, rivers, and streams.

I have a couple of pie charts here to help show these results another way. In the first chart, if you start in the upper right-hand portion of the pie, Category 1 (9% of waters) and Category 2 (13% of waters) can be considered to have good water quality that meets state standards. Category 4

(4% of waters) and Category 5 (13% of waters) can be considered impaired. Waters in Category 3, which represents about 60% of the state's waters, are considered "not assessed"; these are waters which lack sufficient information upon which to base an assessment of water quality. These percentages are based on all waters in our water quality assessment database (about 2035 waterbodies).

In the second chart, we consider just the assessed waters; this probably makes more sense. If you are going to talk about percentages of Iowa waters that are impaired, this is probably the figure to focus on. Again, starting in the upper right-hand portion of the pie, Category 1 waters (23%) and Category 2 waters (32%) can be considered to have good water quality that meets state standards. Category 4 waters (11%) and Category 5 waters (34%) can be considered impaired. So, we have about 55% of the assessed waters considered to have good water quality, and about 45% to be impaired. These results are consistent with what we have seen over the years despite a number of changes in assessment methodology and in EPA guidance for Section 305(b) reporting and 303(d) listing. Basically we see about half the assessed waters fully supporting their beneficial uses and about half assessed as not fully supporting these uses and thus considered "impaired." We may have a little higher percentage of lakes that are impaired relative to streams and rivers.

The next slide shows a depiction of the causes of impairments identified for streams and rivers. This chart includes both waters assessed as impaired and potentially impaired; so, this is a combination of these two levels of impairment. A water is "potentially impaired" if we've gone out there and, although there isn't enough information to consider the water impaired, somebody thinks there is a problem or a potential problem due to the causes shown. The large number of water bodies shown as having an "unknown" cause of impairment tends to upset folks; it makes them wonder just what we think we [IDNR staff] are doing out there. The large number of "unknown" impairments, however, primarily results from use of data from our extensive biological monitoring program on Wadeable streams and rivers. This program began in the mid-1990s, and we have refined our monitoring methods and assessment protocol considerably over the last decade. We think our biological monitoring program is an excellent way to determine whether an aquatic community meets its regional expectations for diversity and thus whether or not the designated aquatic life uses are fully supported. Although biological monitoring is a good tool for identifying whether the aquatic life uses are impaired, this process doesn't do much to identify what factor might be causing the impairment. Thus, all those unknown impacts based on results of biological monitoring went into this category.

Habitat alterations are also a frequently-cited cause of impairment. Impairments attributed to low levels of dissolved oxygen and to high levels of unionized ammonia reflect the occurrence of fish kills in the state. These kills are largely due to animal waste but result from a variety of other causes as well. That's where the low dissolved oxygen and ammonia come from; those are the two pollutants that we typically associate with a fish kill.

Darrell Hanson: said that he was trying to figure out what "unionized" ammonia was?

John Olson said that you are right, it does look like "unionized" [as in a labor union]. Siltation, indicator bacteria, that's what, 4th or 5th place? But, if you look at our waters that were

designated for primary contact recreation uses in the version of the Iowa Water Quality Standards that were used for this assessment cycle [July 2003], a high percentage of our class A waters are impaired by indicator bacteria. "Indicator bacteria" refers to non-pathogenic bacteria organisms, such as *E. coli*, used by state environmental agencies to measure the potential health risk to persons swimming or wading in lakes or rivers. High levels of indicator bacteria indicate the potential presence of pathogens. The presence of indicator bacteria in surface waters indicates contact with fecal material.

This is a similar chart for lakes. In lakes, the big problem is water clarity, so we have turbidity and algal growth identified most frequently as causing water quality problems. Nutrients: we don't have any criteria yet for nutrients. The identification of nutrients as causing impairment comes primarily from IDNR Fisheries Biologists that identify nutrient impacts on aquatic life uses. There are not a lot of data supporting such assessments but rather they are based on the best professional judgment of our biologists.

"Noxious aquatic plants," which refers to high levels of bluegreen algae, is the fourth most commonly identified cause of impairment at our lakes. Some of our lakes have a very large populations of blue-green algae in mid to late summer. Remember, these are not necessarily TMDL-type impairments; the causes shown on this chart also include potential impairments. Impairments attributed to pH are due to the typically high levels of plant (algal) production in our lakes. Other causes of actual/potential impairment include siltation and indicator bacteria, and so forth.

If you compare the final 2004 list to the draft 2006 list, there were 84 waters removed from the 2004 list. These 84 waters were de-listed for the following reasons. More recent data showed good water quality and "full support" for 20 waters. The preparation and approval of TMDLs for 40 waters resulted in their movement off of the impaired waters list. A change in our biological assessment protocol resulted in the de-listing of nine waters. Several waters were de-listed due to errors in the 2004 assessment and due to the absence of recent fish kills on fish kill-impaired waters. Regarding fish kill impairments: if we don't have any fish kills for three years following the kill that led to listing, then the water is moved off of the impaired waters list to a different category of the integrated report. Most fish kills, however, are not added to the impaired waters list. If IDNR identifies the party responsible for the kill and seeks monetary restitution for the value of the fish killed, the affected water is placed in Category 4 of the Integrated Report (impaired but TMDL is not required).

I'll talk a little about our list of waters in need of further investigation (WINOFI). This list is required by Iowa's credible data law. It includes waters with inconclusive evidence of impairment (i.e., potential impairment) where we need more information before we can determine whether or not an impairment exists. It's comprised of waters in Categories 2b and 3b of the Integrated Report. The 2006 WINOFI list contains 175 waters compared to 101 waters in 2004, so again the list is growing. The list is used to prioritize monitoring to the extent that resources allow. We just don't have unlimited monitoring resources to go out and check on all of these waters, but I know that the folks that do the biological monitoring and other types of monitoring consult this list to see where they might direct their monitoring efforts. A little more on this list. We removed a total of 24 waters from the 2004 WINOFI list: 13 waters were

assessed as fully supporting based on new data; one water was considered “not assessed” due to the amount of time lapsed since the cause of the fish kill that led to listing (more than six years since the kill occurred); three waters were assessed as “impaired/TMDL not needed” and moved to Category 4; and seven waters were assessed as impaired and in need of a TMDL and moved to Category 5 (the impaired waters list).

In terms of next steps: as of this [EPC] meeting, we have now announced the availability of the draft list and have released this draft list for public comment. The list and supporting materials will be on our website at a couple of places for people to review for sixty days; there will also be a public notice in the Des Moines Register. Based on the comments received, we will prepare a responsiveness summary, revise the draft list and send the revised list to U.S. EPA Region 7 for approval and/or disapproval. In the past, EPA has partially approved and partially disapproved our Section 303(d) lists of impaired waters; I wouldn't expect any different this time. Following the EPA approval/disapproval actions (which will likely involve another public notice period on the part of EPA), EPA will then prepare Iowa's final 2006 Section 303(d) list and provide that list to IDNR.

This slide contains is my contact information. Are there any questions?

Male: You just mentioned public comment. When you use data to come up with this list what kind of public comment would you be looking for?

John Olson said that an example of a public comment would be if somebody has information that a waterbody that IDNR placed on the impaired waters list should not listed. We get that from time to time. For example, Yeader Creek near the Des Moines Airport: in 2004 the Des Moines Airport argued quite strongly that that Yeader Creek was not impaired and it should not be on the 2004 list. An IDNR review of the all the data for this stream, however, showed that the water should be on the list. Those are the kinds of comments we get. We will also make a version of our assessment data base available as we did for the 2004 list. We have a very good database person at the DNR, but he has been besieged by requests for database development. His long-term plans are to put our entire database online.

Male: It says in your summary that a violation of a single sample criteria indicates impairment. Are you talking one sample or finding one thing in the sample? Say like under the rational for the 303(d) list.

John Olson said :tat [the single-sample criteria] refers to bacterial indicators. This comes from EPA guidance: they consider a water impaired for primary contact recreation use if more than 10% of bacteria samples exceed a single sample at maximum value.

Male: Okay it's a single sample.

John Olson said that Iowa does have a single sample maximum criteria for its indicator bacterium (*E. coli*).

Darrell Hanson: If I'm going to look at a particular water body, what order are these? Say I want to look and see if Volga Lake is up there still. How do I do that?

John Olson said that: it's possible. The waterbodies are listed hydrologically by major basin, just bear with me here. The water body ID number is your key. The IA-01 is the northeastern Iowa basins; that the "MAQ" indicates the Maquoketa sub basin.

Darrell Hanson: So you really have to want to find these things. And you have to know the category system, too, right?

John Olson said that's right.

Darrell Hanson: It's like finding a book in the Dewey Decimal system without being given a key?

John Olson: said pretty much.

Darrell Hanson asked if :alphabetical by name of water body is too complicated?

John Olson said that we'll just put a version by alphabet order on our website.

Mary Skopec, supervisor of the watershed monitoring section said I agree with your point about the names but we have to remember that we have multiple Bear Creeks, multiple others, so it is important to have that unique water body identified.

Darrell Hanson said that he's not saying you shouldn't have it there but it is hard for the public to understand.

Mary Gail Scott said that we can do with the database when that database gets developed and online is you can make that [waterbody names] searchable. The county thing is difficult with streams because they cross multiple counties so again you want to make sure you are talking about the same water body. So, for EPA's purposes, having this listed as an ID by water body is ideal; for the public, it's not and certainly there is a variety of techniques to use with the database and make it easier for the public to find their waterbody of interest.

Darrell Hanson said that's all we're suggesting is when it gets distributed to the public or the legislators, because I know they'll want to know their counties.

Female: I guess I would encourage you, if you have it available, to just this one not the entire assessment, but just this summary of the impaired waters list and perhaps the integrated report.

Female: What plans do you have to access the other 60% of water bodies that are unaccessed.

John Olson said that we have no active plans. I think we are utilizing our monitoring dollars about as efficiently as we can right now, not that there aren't creative ways to get at that 60%. As staff and resources are available to do that, we will pick some of that up. It's a big chunk of

the state's waters. I think all states face this same problem. There is only so much money available to monitor.

Charlotte Hubbell said no, but you can use volunteers. Are you using volunteers?

John Olson said that I do use some volunteer data. There are, however, restrictions as to what type of volunteer data we can use. According to IDNR rules, volunteers have to be qualified and trained, so that raises the bar quite a bit. There aren't too many groups that have taken that step. What we do to use volunteer data is we have IOWATER coordinator Brian Soenen review the IOWATER data base, and he will pick out places where there are indications of gross pollution and other severe water quality impacts. Based on overwhelming evidence of impairment, these waters can be added to the impaired waters list. The rationale is this: if we go out there and see the streambed covered with sludge and other types of gross pollution, I think that rises to the level of a Section 303(d) impaired water.

Charlotte Hubbell: So you go out and follow up on those.

John: Olson That's usually done by staff from IDNR or UHL fairly shortly after the volunteers have identified the occurrence of grossly polluted conditions.

Female: I would just urge us to think of creative ways that we can get a pretty full understanding of what the water quality issues are in our state; particularly for those areas that are un-assessed or have water bodies that are unassessed.

John Olson I think that's a great point. When you look at those numbers and you see that 60% you don't know and if you extrapolate to what we do to what we don't you could easily double all of those numbers. It all comes down to money. Mary has been working with the water monitoring section for seven/eight years. During the planning stages of IDNR's enhanced water quality monitoring network, we estimated a price tag of five/six million dollars to adequately monitor the state's surface waters.

Mary Gail Scott: Six million. Six million dollars to do the job, and that was seven/eight years ago, whenever it was. We have received three million consistently for the last six years. And even three million dollars a year is a cut because costs go up 4% a year and the US Geological Survey has cut back their water monitoring considerably. So, we've had to do more with less for year after year after year. Until we get more money there won't be more coverage.

Female: Could I look at this idea of using volunteers. And if volunteers find something consistently or of particularly bad scenario, they notify you, you go out, you double check, you meet your credible data requirements. You know I think we have to be careful that the credible data requirements aren't designed to limit our knowledge as to waters that are impaired, waters that are polluted. That's my concern.

Female: One other question: What is the period of time you said in the presentation that you are using for this particular list ends?

John Olson said at the end of the year 2004.

Female: So if you're accepting public comments, you're looking for data that was collected prior to the end of the year 2004.

John Olson: It's not a hard and fast rule. We sometimes go beyond that 2004 date depending on the type of impairment. It comes down to this: you've got to cut it off somewhere. The impaired waters listing process is not a real responsive—include something was in the paper last week—type of thing. It's just not designed to be that kind of thing.

Male: one of the things when we did this two years ago, one of the issues was impaired under section 303 has a technical meaning as opposed to if you're sitting at your coffee shop and you're talking with the guy who lives across town about what impaired means. That's something that I hope we can make it a point that this has a technical meaning.

John Olson said that we try to do that. We walk a fine line there because while we don't have rivers that are on fire [as occurred at Cleveland, Ohio in the early 1970s] we do have water quality problems in the state's surface waters. "Impaired" means polluted, so you want to say that. We need to communicate that the status quo is not good and that we need to have a better level of water quality. But, at the same time, you don't want to unnecessarily scare people out of the water or stop fishing or anything like that.

Male: You also want to make sure people understand that just because something has not been assessed as impaired doesn't mean that it's okay.

INFORMATIONAL

STORM WATER FEE INCREASE

The Commission will be asked to consider a storm water fee increase of approximately 15 percent in Fiscal Year (FY) 2008. The fee increase will result in an additional \$150,000 for the storm water fund for FY 08 and \$100,000 in future years. At the current expenditure rate, the storm water fund will result in a negative balance by 2010. Currently the department receives an average of 2,200 Notices of Intent (NOI) per year. Depending on the coverage provided by the general permits, the department will generate \$600,000 to \$800,000 a year in fees. In FY 2008 the storm water fund will have a five year income spike, which will generate an additional \$400,000 in revenue over previous years. From the graph below, you can see that the expenditures are currently outpacing receipts in every year except those years which include the five year spike in income.

Chuck Corell: Back in the February meeting, the commission directed us to study our storm water fees, balances, and incomes and receipts and either come back with a increase fees or justification why it wasn't necessary. We are back with an informational item to tell you that we are going to propose to raise fees. You look at the chart there on the agenda item. There is a number of things happening there. One of the things I want to call your attention to is that for

just about every year we spend more money than we bring in the storm water program. The blue lines are the receipts, the maroon lines, the red lines are the expenses. The green lines are – I'm sorry, you have black and white. Alright, the lighter lines are the receipts, the darker bars are the expenses and the line that goes through all that is the balance at the end of the year. Some things that don't show up on this graph: Back in 2001 the legislature swept a million dollars out of the fund. We had a rather large balance at that time and they took a million dollars out of it. In 2006 you'll see the dark bar includes \$275,000 that the legislature directed us to spend on air quality monitoring out of storm water fees. We also spend about 200,000 of storm water fees on the flood plain program and we also have been spending somewhere around 150,000 to 170,000 a year on TMDL program out of storm water fees. The legislature gave us the authority to spend two FTEs out of each of those programs on storm water fees so we have been after more storm water money and that's not the best place to be looking for more storm water money when we have been spending a lot of your storm water money somewhere else besides storm water but here we are, we are projecting in 2010 that we'll be running in the red if things go as we're projecting. A couple things on our projections here: We have increased expenses. '07 is projected to the end of this fiscal year. '08, '09, and '10 we drew our expenses by 5% because typically we see 5% increase personnel expenses and most of the money is for personnel. We also took the lighter bar, the income bars, and we kept those steady based on the previous year. You'll notice that every five years there's a bigger spike in revenue. That's because one of the general permits you can buy five-year coverage all at once and a number of people do that instead of doing two years and then may have to come back for another two years, they buy five all at once so we see a big spike in our revenues every five years. On the next page, you'll see what we're proposing for the fees and for the general permits and what the increase is. This is about a 15% increase. We project that with the 15% increase we can push that red line all the way out to 2011, one whole year, so we're at the point where we are going to have to start increasing our fees on a regular basis to keep up with the expenses and the cost of our program. One of the longer term plans are to try to get TMDLs and flood plains off of the storm water bill and onto some other form of funding and use those FTEs in storm water program. That's the way that we see we can grow our storm water program. To that end the 2008 spending plan has \$50,000 less than the TMDL program. Tim Hall tells me that his goal is to get his TMDL staff all the way out of storm water fees by the end of fiscal year '08. He has some 319 money that he can use for those kinds of things. I'm not sure where else he's getting money. Flood plains isn't so lucky. Flood plains is funded by general fund and there is really no other sources of money. We have looked at fees for flood plains program, but they write few enough permits that those permits would have to be awfully darned expensive to support the program. A lot of what the flood plain program is technical assistance with local flood plain authority, local emergency management people as well as land owners. They also work a lot with county engineers and DOT helping to design bridges. We do a lot of work that you really can't pin on a permit or raise a fee for so we plan to put in an '09 budget request to the governor's office or at least I plan to give it to Wayne's office, an increase in general funds spending for the flood plain program in part to get the flood plain out of storm water. We plan to start our conversation with stakeholders soon and as soon as we feel we have a critical mass of support behind us we'll be back with those.

Male: Could I ask how long ago was it that these fees have been raised? Has it been a while?

Barb Lynch said in 1995.

Male: So you haven't had a raise in 12 years?

Male: We had a raise in income in 2001 when phase II kicked in.

Female: That's right.

Male: That's when for the construction general permit the threshold went from disturbing five acres to disturbing one acre, so that greatly increased the number of general permits we had for that general permit. So 2000 saw a big jump in our work load.

INFORMATION

UAA UPDATE

Female: Generally speaking what is the status of completing the UAAs?

Male: We have a substantial number completed.

Female: I take that as more than 75%.

Chuck Corell We have, as far as the number of UAAs done, we have somewhere around 600 that have been drafted. We think that we are going to have to write somewhere around 1,500. It might go north of there. What leaves me a little bit uncertain is that sometimes we know the number of affected facilities but it varies as to how many UAAs we have to do, how many stream segments we have to look at in order to tell that facility here's what we're looking at. Certainly the segment of the stream they discharge into we have to do a UAA there, but do we have to do one the next segment down stream? Sometimes we do. Do we have to do the branch where streams discharge into one branch and then the branches come together. We have to do their branch plus we have to do the one downstream. Sometimes we even have to look at other branches. We have to do recreational use on a lot of these, maybe most of them, we have to do aquatic life also then for some of those. Right now our average is running about 2 ½ UAAs for every facility, so that is where we come up with that about 1,500.

Female: What's the plan for review, approval, or whatever it is our role is?

Chuck Corell: There's two broad categories that you separate these thing into. When we go out and gather the field work and look at the data, there are going to be those that we feel there isn't enough data to support a change and therefore the designation will stay the same and we're not planning to bring those to you because that would not be a rule-making action. The ones that require some kind of change which would be a downgrade from where it is now, they would have to go through a rule making and those are the ones we plan to bring to you. We can't get too far down the road of sending these to a rule package until the big water quality standard package is approved by EPA. It's said this way that you can't put the streams in the bin until

EPA approves our use of the bins. The bins being the uses. So we could probably get started, but we certainly can't finish until we get that approval. Right now it looks like the soonest we could expect that approval would be sometime around the first of November 2007. So if we get that approval and those are fully in effect then and ready to go the first of November, then we could theoretically have UAA packages ready to be finalized; I mean you could do the final rule in December. Now do you want us to start down the rule-making process, go to notice of tentative action even before those UAA or the water quality standards are approved?

Female: Not necessarily.

Male: One other thing that we had considered is that since we had that time, I mean we have 600 of these things finished now, it looks like we are going to have some time before we really need to get started in earnest on the ones that we are going to recommend change; is that as we draft them we could bring them in groups or bunches to the commission meetings for review; not necessarily for approval at this point.

Female: Right.

Male: But just bring them for review. That helps spread them out a little bit so we don't say: "Well here's _____ for you to review in two weeks." It also helps us out because it would be very difficult for us to track a large number of rule packages and keep straight which stream designation changes are in this rule package vs. the one we started last month vs. the ones we have public hearings on next month and so on and so forth. So from our standpoint it would be great if we could throw them at you all at once, recognizing that's probably not the best from where you're sitting; maybe from where the public's sitting. So it's somewhat of a compromise if we could bring these to you in groups as we draft them with our recommendations in there and we could look at them, you could review them, we could discuss them, we could answer questions about it, we wouldn't necessarily be burdened with proving them and starting a rule package. That may also help us if we have to go back and revise some based on the comments we get from y'all that hey no you're way off base on these you know, these need to go this way. That gives a chance to go back and revise them. Another aspect is that we are still working with EPA region seven on what an approval UAA looks like. I don't think we are very far away from that on the recreational leases. They have had a lot of experience on recreation use UAAs. Kansas did a bunch; Missouri just did a bunch, 190 or something like that, a bunch. So they have a lot of experience on that in a lot of ways recreational use is a little more straight forward so I think we are fairly close on that. The aquatic life uses I would say at this point we're still very much far apart on agreeing to what it takes to get a UAA through. We think it's fairly straight forward and relatively not complicated, uncomplicated, to look at our three aquatic life uses and make the right decision based on the data that we can gather. EPA at this point is saying that no, they would like to see a lot more data that we have not been collecting. That is the rub right now is our disagreement on the type and quantity of information necessary to make that decision. Is it BWW1 or is it BWW2. Right now that is going to be the big decision as far as the number of decisions to be made. It's assumed to be BWW1; it would be BWW2 the better fit, the BWW1 not attainable. That's going to be the big question.

Mary Gail Scott I think that is what I'm looking for is seeing some of the UAAs before. I certainly don't want to get 1,500 and say this is informational and by the way, next month we want to bring you a rule package and so I would like to start seeing those that you have, since you have 600 done, maybe 100 at a time or something, for us to review, and then you shared with us your protocols. I don't know if they've changed with the discussions you've had with US EPA much, but we have new commissioners so could we get those again next month so that we see; and it's nice to fit the two together. This is what we say we're going to do and this is what it results in type of a connection.

Male: Sure. Right. The protocols are very important too because that's what we had written out ahead of time. Here what we think we need and the method we're going to use to collect that data in order to support the decision of whether it's this use or that use. One other thing I wanted to mention is that May 15 is our working deadline right now for having an internet database up and ready and available to the world. You could go to this database then, look up the stream, you could sort by stream, you can sort it by facility, we're not going to use any fancy stream numbers, and you can see then the UAAs that have been completed. You can get links then to the actual field sheets that we're creating, even the photographs. We're taking huge amounts of photographs. What's the count on photographs now?

Male: 47,000 pictures.

Female: Probably better than killing all those trees to give each of us copies.

Male: Yeah. And so that may help too then; because as they come up you can check that if there's a particular one you're interested in, you could be watching for it. Those kinds of things. So that may help because when we're bringing them here to you to discuss informally, they'll also be available for everyone else to be reviewing them too.

Susan Heathcote With the ones that have been reviewed, the 600 or so you have gotten drafted, can you give us any feeling for approximately how many of those, specifically for the recreational uses, we're looking at for not being designated for recreation?

Chuck Corell Very, very few are being left with no designations for Class A. I would guess looking at personal confirmation, the rub is going to be is it A1 or A2. A1 being full body contact recreation; A2 being more of the incidental, accidental contact with the water. Just about any stream as you know if you have kids, grandkids attracts people and whether or not they are actually swimming, they're throwing rocks, they're doing those kinds of things. We get a lot of comments from people that like to canoe those smaller streams so there is all kinds of recreation around those waters and that is really where the A2 is designed to fit. Not necessarily you're immersed in the water, but you do have contact with the water.

Male: Editorial comment on that one. The practical of A1 or A2 really doesn't make a lot of difference a lot of times because treatment is treatment. If you treat for bacteria, you are probably going to be meeting either/or. If you're going to be talking about wastewater discharging from a wastewater treatment system, you're talking hundreds of thousands or maybe millions of colonies of E. coli. Our standard is 235 or A1 and it's 600

Male: A single mass is 2880.

Male: 2800 for a sample maximums for A2 and we are talking going from hundreds of thousands or millions down to a lower number. 2800 looks an awful lot like 200 when you are designing a wastewater treatment system. Either A1 or A2 is going to end up being disinfected for wastewater.

Female: The difference in assessment, like what we just like what we just looked at, if it would be considered impaired. There would be a difference there. If it was A1 even a small amount of bacteria might result in an assessment of an impairment whereas

Male: Yeah, and I don't know, I'm not that familiar with their assessment methods

Female: They use the geometric mean not the single sample.

Male: Right. But if they are including wet weather flows and I think that they do because at this point EPA is not allowing us to exclude wet weather flows from our test beaches. Most of the time when it rains you're getting 100,000 or million kinds of bacteria samples in the stream if you have any kind of runoff from bare soil. We're seeing those kinds of numbers.

Female: Not generally unless you have livestock open feedlots or something we see that.

Susan Heathcote I monitor with a bunch of volunteers in Polk County and we typically see over 10,000 after rainfall. That's 20, 30,000, but I don't know that we see

Male: And then they're going to end up impaired if there's enough data over that number 2,800

Darrell Hanson: One of the things at the beginning of the day if I interpreted it correctly, we adopted a motion that we would have a UAA discussion at each meeting. We have it on the agenda. What do we want to ask the department for at the next meeting?

Female: The first list of reviews.

Female: I think we ought to start reviewing UAAs.

Male: Just so they know what we're asking.

Male: You also have, the June meeting we're talking about?

Male: Could I ask, are you looking for a hundred? Or would you like representative samples? Would you like a group in this category, a group in this category? Are you looking to actually go through water body by water body? We want to make sure the procedures we're following that you should be comfortable with those.

Female: That's probably more what I'm looking at right now.

Chuck Corell We will be able to give you somewhat of a representative random sampling; but something else we may consider too is to flag some of these as here's one that we think is really great. Here is one that we aren't all that sure about. Then compare those with here's some we think that the data is pretty strong one way or the other . We could do some comparisons that way too.

Mary Gail Scott: Is use attainability analysis an action by the agency that can be appealed?

Chuck Corell: The use attainability analysis is really just a scientific study. The changing of the water quality standard in the UAA case we're going down. Generally accepted to be going down. That action certainly is reviewable by EPA because it's a change in water quality standards. It takes a rule change, so then the public comment and all the public input that's available there, subject to legislative review also. All that is involved that way. As far as an official appeal, I think you have to write an NPDES permit based on that new designation then they can appeal a permit based on that. That brings up another point that I'll throw out while I'm thinking of it. Chapter 455B176 which is in the new chapter. 176A is a new chapter that deals with the water quality standards that deals with the UAAs. It gives a permit holder, discharge permit holder, and adjacent landowners the right to request a meeting with the director within 30 days of us, it doesn't use the word publish, but we have to make public our decision, the department's decision, after the scientists do a UAA. That's another use for that database. So we will be notifying the dischargers of the stream that they discharge into that the UAA is done, here's our conclusion, here's how it may affect you. We don't really have a good handle on how to identify adjacent landowners. We're not really sure how those adjacent landowners are going to be affected anyway. If they have an NPDES for CAFO, it doesn't really have limits in there that would change the stream as a mission anyway. Of course, if they don't have a permit it's a different . I'm not sure how we are going to do that, but they do have that right in the law.

Susan:Heatcote I think the justification for adding an adjacent landowner was more to make sure that the landowners would be aware of for example if a decision was made to move recreational use for the stream that flows through their land, that they would have notice of that, specifically and would have the ability to respond, that they do use that stream. I think it was more, not that they would be discharging, but that a downgrade of the use could potentially impact them or their families.

Male: I have a question. I just want to make sure, I'm not sure what the page is, but we are talking about bringing UAAs to the commission to look at, are we talking about bringing the ones that look like there are going to be changes or are we talking, because one of the purposes I always thought would be talk down water quality standards was basically okay. The default standard is up here and that's the best standard and then we only deviate based on good reason to deviate. I don't personally see a need for the commission to look at all the ones where we are going to come back with the default standard is fine. We don't need to make a change, the highest quality standards apply or whatever.

Darrell Hanson: That may be when they are putting together their representative sample. There may be a group of those. I guess I thought we kind of decided to leave it up to them to put together some useful grouping for us to take a look at.

Male: I just wanted to make sure where we are going with this.

Female: I think ultimately you may end up being right, but I think just for the initial learning session I'd like to see how it gets applied.

Chuck Corell: There is one other category that I want to call to your attention that would be a sub category under those that we don't think requires a rule change and we are finding a few of these, a very few of these, and that's where we find out we had assumed based on information that it was a perennial stream and when we go out we find out that it really isn't a perennial stream and therefore the rebuttal of presumption as we applied in our rules never applied. So even though we assumed it was A1BW when we went out there we found out that no it never applied so it really was always general use and if we don't think it deserves more than general use, it will stay general use. Even though we do a UAA for that, it's really not a downgrade because what we found out was that it was general use all along. We have run into a handful, three or four, of those kinds of streams.

INFORMATIONAL

MONTHLY REPORTS

Wayne Gieselman, Division Administrator, Environmental Protection Division, presented the following items.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

Proposal	Notice to Commish	Notice published	ARC#	Rules Review	Hearing	Public comment period	Final summary to commish	Rules adopted	Rules published	ARC #	Rules review committee	Rules effective
1. Ch. 7 – Contested Case Rules	5/01/07	*5/23/07		*6/04/07		*6/12/07	*7/03/07	*7/03/07	*8/01/07		9/03/07	*9/05/07
2. Ch. 22 – Air Construction Permit	1/02/07	1/31/07	5694B	2/06/07	3/05/07	3/09/07	5/01/07	*5/01/07	*5/23/07		*6/04/07	*6/27/07

Exemptions												
3. Ch. 22 – Special Requirements for Visibility Protection	1/02/07	1/31/07	5695B	2/06/07	3/02/07	3/05/07	5/01/07	*5/01/07	*5/23/07		*6/04/07	*6/27/07
4. Ch. 40, 43 – Minor Water Main Construction Permit	3/06/07	3/28/07	5795B	4/03/07	4/19/07	4/20/07	*6/05/07	*6/05/07	*7/04/07		*8/06/07	*8/08/07
5. Ch. 61 – WQS Section 401 Certification of Section 404 NWP's	11/14/06	12/06/06	5598B	1/03/07	12/26/06	12/26/06	4/03/07	4/03/07	*4/25/07		*5/07/07	*5/30/07
6. Ch. 61 – WQS – Chemical Criteria Revisions	5/01/07	*5/23/07		*6/04/07	6/14, 19, 21 and 26/07	*7/10/07	*8/06/07	*8/06/07	*8/29/07		*9/05/07	*10/03/07
7. Ch. 64 – Sewer Extension Construction Permit Provisions	12/05/06	1/03/06	5638B	2/06/07	1/24/07	1/26/06	3/06/07	3/06/07	3/28/07	5793B	*5/07/07	*5/30/07
8. Ch. 64 – Wastewater Construction and Operation Permits	2/06/07	2/28/06	5753B	4/03/07	3/30/07	3/30/07	*6/05/07	*6/05/07	*7/04/07		*8/06/07	*8/08/07
9. Ch. 67 – Updates and Revisions	12/05/06	1/03/06	5636B	2/06/07	1/24/07	1/26/07	3/06/07	3/06/07	3/28/07	5792B	4/03/07	4/04/07
10. Ch. 81 – Op. Cert. – Public Water Supply Systems and WW Treatment Systems	12/05/06	1/03/06	5630B	2/06/07	1/24/07	1/26/07	3/06/07	3/06/07	3/28/06	5794B	4/03/07	4/04/07
11. Ch. 93 – Nonpoint Source Pollution Control Set-Aside Program	5/01/07	*5/23/07		*6/04/07	*6/14/07	*6/21/07	*8/06/07	*8/06/07	*8/29/07		*9/05/07	*10/03/07
12. Ch. 103-106, 112, 114, 115, 118, 120-123 – Financial Assurance Regulations	12/05/06	1/03/06	5633B	2/06/07	3/28/07	3/28/07	*6/05/07	*6/05/07	*7/04/07		*8/06/07	*8/08/07
13. Ch. 113 – Sanitary Landfills for Municipal SW: Groundwater Protection Systems for the Disposal of Non-Hazardous Wastes	11/14/06	12/06/06	5597B	1/03/07	1/22,24 and 26/07	1/26/07	*6/05/07	*6/05/07	*7/04/07		*8/06/07	*8/08/07

Name, Location and Region number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Aldag, Travis Ida Co. (3)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred Petition Filed Answer Filed	7/18/05 11/29/05 12/01/05
Bridges Bay Resort, LLC Spirit Lake (3)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	9/19/06
Bulk Petroleum Corporation 28 Sites (1) (6)	Underground Tank	Operation and Maintenance Violations	Referred to Attorney General	Referred Petition Filed	6/19/06 2/01/07
Cargill, Inc.; Mort's, Inc. Iowa Falls (2)	Solid Waste Wastewater	Illegal Disposal; Prohibited Discharge	Referred to Attorney General	Referred	11/14/06
Clinton, City of (6)	Wastewater	Compliance Schedule; Discharge Limits	Referred to Attorney General	Referred	9/19/05
Cohrs, Bernard; Cohrs Construction Dickinson Co. (3)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred to Attorney General	Referred	11/14/06
Country Stores of Carroll, Ltd.; LeMars Country Store, LeMars (3)	Underground Tanks	Leak Detection; Record Keeping	Referred to Attorney General	Referred	3/06/07
Des Moines, City of; Metropolitan Reclamation Authority (5)	Wastewater	Compliance Schedule	Referred to Attorney General	Referred	8/15/06
De Vos, Harold and Sharon Rock Rapids (3)	Air Quality Solid Waste Wastewater	Open Burning; Illegal Disposal; Operation Without Permit	Order	Referred Petition Filed	9/19/06 1/23/07
Environmental Recycling Co., Inc. Dwight Oglesbee Masena (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred to Attorney General	Referred	12/05/06
Feinberg Metals Recycling Corp., Ft. Madison (6)	Solid Waste Wastewater	Operation Without Permit; Illegal Disposal; Stormwater – Operation Without Permit	Referred to Attorney General	Referred	3/06/07

Environmental Protection Commission Minutes

May 2007

Garrett Corporation; Delta Industries Waterloo (2)	Air Quality	Construction Without Permit; Construction Contrary to Permit	Referred to Attorney General	Referred	1/02/07
General Motor Corporation Sioux City (3)	Hazardous Condition	Remedial Action	Order	Referred	9/19/06
Golden Oval Eggs LLC Thompson UPDATED	(2) Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	12/05/06 3/29/07
Heisdorffer, Leland Keokuk Co. (6)	Air Quality Solid Waste	DNR Defendant	Defense	Petition Filed (No original notice served) IDNR's Motion to Dismiss/Strike Hearing Date Ruling on Motion (Dismissed all damage claims against the State) Trial Date	10/06/05 8/07/06 9/01/06 9/11/06 5/11/07
Kruse Dairy Farm, Inc. Dyersville (1)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	12/19/05
Landfill of Des Moines #4 Des Moines (5)	Solid Waste	Operation Permit – Violations Other	Referred to Attorney General	Referred Petition Filed	4/17/06 1/23/07
Leigh, Marsha Glenwood (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Defendant's Motion to Dismiss State's Resistance/Motion to Dismiss Motion to Intervene Hearing on Motion to Dismiss Ruling Denying Motion to Dismiss Resistance to Motion to Intervene Hearing on Motion to Intervene Ruling Denying Motion to Intervene Hearing on Defense Motions Motion for Judgment on Default Order Granting Default Judgment (\$100,000/Civil; \$10,000/Admin. & Injunction)	9/20/04 3/29/05 4/20/05 5/02/05 5/12/05 5/23/05 5/23/05 5/23/05 6/27/05 6/29/05 12/05/05 9/12/05 12/7/05

Miller, Albert Kalona (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred Attorney General	to	Referred Petition Filed	9/19/06 1/23/07
Miller Products Company Osceola (5)	Wastewater	Prohibited Discharge	Referred Attorney General	to	Referred	12/05/06
Miller, Robert Batavia (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred Attorney General	to	Referred Petition Filed	8/15/06 1/23/07
Mobile World LC Camanche (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty		Referred Petition Filed Bankruptcy Petition Filed Plan for Reorganization Appearance by State in Bankruptcy Notice of Intent to Seek Default Appearance by Defendant Trial Date	8/16/04 4/08/05 4/13/05 4/13/05 6/17/05 3/03/06 3/08/06 11/19/06
Moellers, Kenneth Cresco (1)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot; Failure to Report a Release; WQ Violations – General Criteria	Referred AG	to	Referred Petition Filed	2/20/06 12/11/06
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General		Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order) Contempt Application Contempt Hearing Date Contempt Finding and Civil Penalty (\$100,000 and 30 Days in Jail – Suspended until 7/8/03) Hearing Regarding Contempt Order Regarding Bond/Cleanup Deadline Bond Posted State Objections to Bond	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00 12/12/02 2/20/03 2/20/03 7/09/03 8/01/03 8/01/03 8/20/03 9/18/03 4/16/04 12/10/04 1/05/05 8/15/06

						Ruling	Denying
						Objections to Bond	
						Status Hearing Date	
						Hearing on Motion to	
						Extend Cleanup	
						Deadline	
						Order	Reinstating
						\$100,000 Civil	
						Penalty	
						Site	Clean-up
						Completed	
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Pedersen, Dean Laurens (3)	Animal Feeding Operation	Failure to Update Plan	Referred Attorney General	to	Referred Petition Filed	4/17/06 12/11/06	
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Pellett Chemical Co., Inc. Wiota UPDATED	(4) Underground Tank	Failure to Submit Tier 2 Site Assessment	Referred Attorney General	to	Referred Petition Filed	6/19/06 3/29/07	
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Plymouth Dairy Farms Plymouth Co. (3)	Animal Feeding Operation	Prohibited Discharge – Confinement; Record Keeping; Application in Excess of Crop Usage Rate; Freeboard	Referred Attorney General	to	Referred Petition Filed	9/19/05 1/10/06	
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River Bluff Resort, LLC; C.J. Moyna & Sons, Inc.; P.A. McGuire Construction McGregor NEW	(1) Wastewater	Stormwater – Pollution Plan Prevention Plan Violations; Water Quality Violations – General Criteria	Referred Attorney General	to	Referred	4/03/07	
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Roquette America Keokuk UPDATED	(6) Air Quality	DNR Defendant	Defense		Petition Filed	8/28/03	
					DNR's Answer	9/11/03	
					DNR's Resistance to		
					Temporary	9/11/03	
					Injunction	9/11/03	
					Hearing on Temporary	9/29/03	
					Injunction	9/30/03	
					DNR's Brief in	1/14/04	
					Resistance	1/06/05	
					Roquette's Brief	10/24/05	
					Ruling on Temporary	6/29/05	
					Injunction	6/29/05	
					Trial Scheduling	4/24/06	
					Conference	4/24-28/06	
					Trial Date	5/25/06	
					Motion for		
					Continuance	6/020/06	
					Order Granting	6/19/06	
					Continuance	6/21/06	
					Trial Date	7/05/06	
					Trial		
					Roquette's Request to	4/09/07	
					Reopen		
					Evidence		

IDNR Resistance to
Reopening Evidence
Roquette's Reply to
Resistance
IDNR Motion/Supp.
Resistance
Order Denying
Roquette's Request
to Reopen Evidence
Partial Consent Order

Roquette America, Inc. Keokuk (6)	Air Quality	Construction Without Permit	Referred Attorney General	to	Referred	9/19/06
Rose Bowl, The Mason City (2)	Drinking Water	Monitoring/Repor ting – Bacteria, Nitrate; Public Notice	Referred Attorney General	to	Referred Petition Filed	7/17/06 1/22/07
Schoenberr, R. B. d/b/a Long Branch Tavern Monmouth (1)	Drinking Water	Permit Renewal	Orders/Penalti es		Referred Court Order Re-Referred Petition Filed Application for Contempt Contempt Hearing Order for Contempt (\$3,000 fine) Arrest Warrant Issued Contempt/Temporary Injunction Hearing Temporary Injunction Granted Contempt Hearing Date Contempt Hearing Order Finding Defendant in Contempt \$3,000 Fine Amended Petition	6/20/97 12/09/98 11/21/02 3/11/05 3/11/05 4/01/05 8/05/05 4/01/05 5/03/05 5/03/05 7/06/05 8/05/05 8/05/05 1/31/06
Sharkey, Dennis Dubuque Co. NEW	(1) Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred Attorney General	to	Referred	4/03/07
Simpson, Barry Worth Co.	Animal Feeding Operation	DNR Defendant	Defense		Petition Filed Answer Filed	10/18/04 11/04/04
SNF, Inc. dba Brand FX Body Company Pocahontas (3)	Air Quality	Operational Violations	Referred Attorney General	to	Referred	9/19/06
Stone v. Enterprises, Inc.	Rembrand Animal Feeding Operation	DNR Defendant	Defense		Petition Filed State Motion to Dismiss	12/06/04 1/10/05 3/07/05

UPDATED

Hearing 5/17/05
 Ruling Dismissing 2/27/06
 Damage Claims 3/20/06
 State's Motion for 5/01/06
 Summary Judgment 6/19/06
 Order Granting
 Continuance
 Hearing on 10/04/06
 Summary Judgment
 State's Supp. Reply 11/03/06
 to Plaintiff's 11/03/06
 Resistance to
 Motion for 1/08/07
 Summary 1/22/07
 Judgment 3/05/07
 Ruling Denying 3/14/07
 Motion for 4/06/07
 Summary 4/13/07
 Judgment 4/16/07
 Application for
 Interlocutory
 Appeal
 Memorandum in
 Support of
 Interlocutory
 Appeal
 Application Denied
 Motion for Separate
 Trial
 Hearing on Motion
 for Separate Trial
 Order Granting
 Separate Trial
 Trial Brief
 Reply Brief
 Trial Date

Sweitzer, Chad and Lona; Winter Mobile Home Park New Hampton (1)	Drinking Water	Operation Without Permit; Monitoring/Reporting – Bacteria; MCL – Bacteria	Referred Attorney General	to	Referred	11/14/06
Yentes, Clifford Council Bluffs (4) NEW	Solid Waste	Illegal Disposal	Referred Attorney General	to	Referred	4/03/07

Report of WW By-passes

During the period March 1, 2007 through March 31, 2007, 14 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October '06	3(11)	0.427	0.055	1	0(0)
November '06	3(7)	0.063	0.033	2	0(0)

December '06	11(7)	0.862	0.016	1	0(0)
January '07	7(10)	0.213	0.004	1	0(0)
February '07	34(6)	0.386	0.070	6	0(0)
March '07	14(12)	0.162	0.011	3	0(0)
April '06	12(14)	0.073	0.134	2	0(0)
May '06	11(18)	0.135	0.004	3	0(0)
June '06	9(7)	0.342	0.076	5	0(0)
July '06	9(5)	0.078	0.003	2	0(0)
August '06	15(13)	0.196	0.023	8	0(0)
September '06	9(3)	0.285	0.024	0	0(0)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
4	0	1	0	1	8

Date Rcvd	Name of Case	F O	Action Appealed	Program	Assigned to	Status
4/26/99	Gerald and Judith Vens	6	Order/Penalty	FP	Clark	4/09/07 – Internal meeting with DNR management set for 4/12/07.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Order/Penalty	AFO	Clark	4/10/07 – ISF and Dept. attorneys unsuccessful attempt to contact AG Wastes Consultants attorney.
7/13/00	Dan Witt	6	Order/Penalty	AFO	Clark	1/10/07 – FO6 staff visited the site to determine the current status and observed that the AFO portion of the farm operations has been closed.
10/02/01	Daryl Larson	6	Order	AFO	Clark	Negotiating before filing.
11/27/01	Dallas County Care Facility	5	Order/Penalty	WW	Hansen	10/03 – Letter to County attorney regarding appeal resolution. 1/04 – Letter to attorney regarding appeal. 4/04 – Dept. letter to attorney regarding appeal. 9/04 – Dept. letter to attorney regarding appeal.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	10/31/02 – Construction permit issued for improvement to lagoon system. 10/31/03 – Update on construction project requested from Dept. engineer. 1/30/04 – Status report requested from Dept. staff. 2/24/04 – Letter sent to attorney regarding resolving appeal. 3/15/04 – Letter from facility attorney regarding proposed upgrade with sand filters. 4/26/04 – Dept. letter to MHP attorney requesting construction schedule for project. 5/17/04 – Letter from MHP attorney with new schedule. 10/18/06 – Letter to attorney regarding schedule for resolving appeal. 10/06 – Letter to MHP attorney regarding resolution of appeal. 11/06 – Letter from MHP attorney regarding projects on hold due to revisions in WQ standards rules.
7/18/02	Mt. Pleasant, City of	6	Order/Penalty	WW	Hansen	\$500 penalty payment received for uncontested portion. 12/03 – Dept. letter with settlement offer. 1/30/04 – Dept. letter sent regarding settlement. 2/24/04 & 3/31/04 – Follow-up letters sent regarding settlement. 4/26/04 – Letter received from City attorney regarding Dept. settlement proposal.
7/23/02	Doug Wedemeyer	4	Order/Penalty	AFO	Clark*	4/4/07 – FO4 provides status update.
8/25/02	Kenneth Dahlhauser	2	Order/Penalty	AFO	Clark	1/4/07 - An offer to settle was sent to Mr. Dahlhauser's attorney. This letter gave Mr. Dahlhauser until 1/26/07 to contact Carrie Schoenebaum with regard to the settlement.

						Attorney called and asked for extended time to review. She will call back.
11/27/02	Chelsea, City of	5	Order/Penalty	WW	Hansen*	9/18/03 – DNR letter. Will monitor for compliance through winter of 2004. 4/07 – FO5 to conduct compliance inspection.
2/10/03	Doug Osweiler	6	Order/Penalty	AFO	Clark	Negotiating before filing.
2/24/03	Ray Slach	6	Order/Penalty	AFO	Clark	4/29/04 – Settlement invitation letter sent.
4/04/03	Natural Pork Production II, LLP (03-AFO-13)	6	Order/Penalty	AFO	Clark*	3/10/07 – Attorney for NPPII responds to DNR's inquiry, indicating that he will get with client and then back with DNR in next week. 4/10/07 – Clark leaves message for NPPII attorney, asking for status update.
4/25/03	Ag Processing Inc.	2	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
8/12/03	Southern Waste Handling, Inc.	5	Order/Penalty	AFO	Clark	3/17/07 – Consent Amendment to Order issued. Awaiting penalty payment.
8/29/03	Country Living Mobile Home Park	5	Order/Penalty	WW	Hansen	6/23/04 – Construction permit issued. Settlement offer will be made. 9/04 – Status report from Dept. engineer requested regarding project construction status. 10/05 – Status report requested from Dept. engineer. 11/05 – Facility upgrade completed. New NPDES permit requested for upgraded facility. 12/16/05 – Settlement offer received from MHP attorney.
9/05/03	Strawberry Point, City of	1	Order/Penalty	WW	Hansen*	1/5/04 – City to upgrade facilities, compliance will be monitored through 2005. 4/07 – Letter to City regarding appeal.
10/08/03	TEGH, Inc. (03-UT-15)	6	Order/Penalty	UT	Wornson	TEGH, Inc. no longer operator; questionable as a viable corporation. Review options.
10/27/03	B & H Food & Gas, Inc. (03-UT-12)	6	Order/Penalty	UT	Wornson	B & H no longer operator; questionable as a viable corporation. Review options.
10/27/03	U.S. Nation Mart, Inc. (03-UT-14)	6	Order/Penalty	UT	Wornson	Proposed consent order drafted.
12/02/03	Jeff Holland	2	Order/Penalty	AFO	Clark	Negotiating before filing.
12/15/03	AGP (Emmetsburg)	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
12/29/03	T. Patrick Cashman; Laurie Cashman	5	Order/Penalty	AFO	Clark	Consent amendment to Order issued 3/07/07.
1/21/04	Bob Kerrigan	4	Order/Penalty	AFO	Clark	Negotiating before filing.
1/30/04	John Schmall d/b/a Carpenter Bar & Grill	2	Order/Penalty	WS	Hansen	2/26/04 – Letter to WS attorney regarding resolving appeal. 9/04 – Per WS section, facility has returned to compliance. 11/06 – Facility building burned down, facility closed.
2/09/04	Swine USA, LP	5	Order/Penalty	AFO	Clark	2/2/07 – Draft Consent Order sent to attorney for new owner.
2/16/04	Iowa Ethanol, LLC; Reilly Construction Co., Inc.	2	Order/Penalty	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Otter Creek Ethanol, LLC	3	Order/Penalty	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Iowa Ethanol, LLC	2	Order/Penalty	WS/WW	Clark*	Meeting held 4/07/04.
2/18/04	Gettler Dairy, Inc.; Dave and Kristen Gettler	4	Order/Penalty	AFO	Clark	4/4/07 – FO4 agrees to perform a site visit to verify remedial work.
3/15/04	Iowa Falls, City of	2	Order/Penalty	WW	Hansen	6/04 – Dept. letter to City attorney regarding settlement. 8/06 – Letter from City attorney regarding resolving appeal. 10/06 – Letter to City attorney regarding settlement and setting case for hearing. 11/06 – Response received from City attorney concerning SEP proposal. 1/07 – Settlement proposal (SEP) received from City attorney; under review by Dept. staff. 3/07 – Settled. City to pay penalty of \$2,500 and perform SEP in an amount of \$10,250. 3/26/07 – Draft consent order sent to City attorney on 3/26/07. 4/2/07 – Consent order signed by City.
4/02/04	LeMars, City of	3	Order/Penalty	WW	Hansen	4/02/04 – Meeting held to discuss settlement. 1/05 – Tentative agreement reached on settlement.
4/08/04	Silver Creek Feeders	4	Permit Conditions	AFO	Clark	Negotiating before filing.
4/16/04	Ag Processing Inc. (Sheldon)	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
5/12/04	Ag Processing, Inc.	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
5/18/04	Alton, City of	3	Order/Penalty	FP	Clark	3/15/07: Attorney for Alton returned Dept. phone call and agreed to check with client

						regarding settlement offer.
5/25/04	CDI, LLC	6	Permit Conditions	AQ	Preziosi	ALJ Proposed Decision issued 12/29/06 and appealed. Appeal will be addressed at April 2007 EPC meeting.
5/27/04	CDI – Charles City	2	Permit Conditions	AQ	Preziosi	ALJ Proposed Decision issued 12/29/06 and appealed. Appeal will be addressed at April 2007 EPC meeting.
6/11/04	University of Iowa	6	NPDES Permit	WW	Hansen	Negotiating before filing.
6/18/04	CDI – Charles City	2	Title V Permit Determination	AQ	Preziosi	ALJ Proposed Decision issued 12/29/06 and appealed. Appeal will be addressed at April 2007 EPC meeting.
6/18/04	Phillip Renze	3	Order/Penalty	AFO	Clark	3/22/07 – Dept. sends draft consent amendment to Renze's attorney.
6/24/04	Jansma Cattle Co., Inc.	3	Order/Penalty	AFO	Tack*	Primary RP died. Current operation received construction permit on 11/06/06. Will be settled when construction is completed.
6/28/04	Michael Veenstra; Alan Veenstra	5	Order/Penalty	AFO	Clark	Negotiating before filing.
10/12/04	Gary Hart	6	Order/Penalty	AQ/SW	Tack	Hearing set for 1/19/07. Hearing continued to May 25, 2007.
10/13/04	Charlie Van Meter; Van Meter Feedyard	5	Permit Conditions	WW	Clark	1/23/07 – Appeal withdrawn. Case closed.
10/19/04	Cedar Rapids, City of	1	Order/Penalty	WW	Hansen*	To be set for hearing.
10/21/04	Eugene Kramer	1	Permit Denial	WR	Clark	3/6/07 – Dept. discusses case with attorney for deceased Mr. Kramer. Potential lawsuit against Kramer can still be filed until 4/6/07, so unwilling to withdraw contested case until that is known. 4/10/07 – Clark leaves message for Kramer's attorney, asking for status update.
11/02/04	Mike Elsbernd	1	Order/Penalty	AFO	Book	Order and penalty affirmed. Inability to pay claim being evaluated by Department.
11/10/04	Ted T. Smith	3	Order/Penalty	AFO	Clark	Negotiating before filing.
1/05/05	S.J. Louis Construction	5	Order/Penalty	WW	Hansen	To be set for hearing. 5/31/06 – Letter regarding appeal sent to company. Follow-up letter to be sent. 10/06 – Letter to company regarding scheduling appeal for hearing. Hearing set for 4/06/07. 3/9/07 – Motion for default filed since no petition filed. ALJ order issued 3/20/07 granting default and dismissing appeal. Case closed.
1/20/05	Pleasant Hill, City of	5	Order/Penalty	WW	Hansen	4/08/05 – Meeting with City regarding appeal and settlement. City made settlement offer regarding penalty. Offer rejected by DNR. City to provide further response by 5/05. No response received. To be set for hearing. 5/31/06 – Letter to City Attorney regarding appeal. Letter received from City Attorney regarding appeal. 10/06 – Dept. letter to City attorney regarding appeal and scheduling of hearing. 1/07 – Sent to DIA. Hearing set for 4/05/07. Full \$10,000 penalty assessed in AO paid. Motion for dismissal of appeal filed with ALJ. ALJ issued dismissal order. Case closed.
1/20/05	Monty Branstad	2	Order/Penalty	AQ/SW	Preziosi	Settled. Awaiting penalty payment.
1/24/05	Lawler, City of	4	Order/Penalty	WW	Hansen	10/06 – Letter to City about resolving appeal. 12/06 – City council approved SEP proposal to be sent to Dept. 1/07 – SEP proposal received from City. Resolved with SEP project. 2/06 – Dept. letter to City accepting SEP proposal. Consent order enclosed for City to sign. 3/07 – Consent order issued. SEP to be performed. Case closed.
2/04/05	Honey Creek Campground	4	Order/Penalty	WW	Hansen	12/07/05 – Telephone call with Honey Creek attorney regarding hearing and compliance issues. 3/22/06 – Meeting at FO 4 with wastewater owner and attorney. 4/5/06 – FO4 inspection of campground. 5/12/06 – FO letter to facility regarding inspection. 5/22/06 – Letter received from Honey Creek attorney requesting waiver of penalty in view of inspection. Letter to Honey Creek attorney rejecting request to waive penalty. 4/07 – Letter to Honey Creek regarding penalty and setting for

						hearing.
2/17/05	CDI, LLC	2	Permit Conditions	AQ	Preziosi	ALJ Proposed Decision issued 12/29/06 and appealed. Appeal will be addressed at April 2007 EPC meeting.
2/24/05	Mt. Joy Mobile Home Park	1	Order/Penalty	WW	Hansen	10/06 – Letter to MHP regarding settlement of appeal. 11/06 – Information received from MHP owner regarding MORs and certified operator. 4/07 – Letter to MHP regarding appeal and setting for hearing.
3/08/05	Randy Griffin	5	Order/Penalty	AQ/SW	Tack	Settled. Revised consent order sent 1/22/07.
3/25/05	Hoover Land Corp.	2	Order/Penalty	WS	Hansen	Negotiating before filing.
4/04/05	Ruby Field; Ed Grafke	6	Order/Penalty	UT	Wornson	No progress, set for hearing.
4/05/05	Dirk D. Graves	4	Order/Penalty	AQ	Tack	Hearing set for 5/22/07.
5/25/05	Iowa Quality Beef Cooperative	5	Order/Penalty	WW	Hansen	6/26/06 – FO meeting with company officials to discuss reopening of plant. 7/12/06 – FO inspection of plant. 10/06 – To be set for hearing.
8/05/05	Scott Lenz	4	Order/Penalty	AFO	Book	Producer submitted offer, Department reviewing offer
11/21/05	CDI, LLC	2	Construction Permit	AQ	Preziosi	ALJ Proposed Decision issued 12/29/06 and appealed. Appeal will be addressed at April 2007 EPC meeting.
2/27/06	Greig & Co., Inc.	3	NPDES Permit	WW	Clark	Negotiating before filing.
3/28/06	Jordan Branstad; Edward Branstad	2	Order/Penalty	AQ/SW	Preziosi	Settled. Awaiting penalty payment.
4/10/06	Praxair, Inc.		Permit Conditions	AQ	Preziosi	Negotiating.
7/07/06	Washington County (Permittee: Riverside Casino)	6	Water Use Permit	WR	Clark	Negotiating before filing.
8/09/06	Cargill (Eddyville)	5	Permit Conditions	AQ	Preziosi	Waiting to hear from Cargill engineer. Meeting will be set with technical staff.
8/28/06	Winnebago Industries, Inc.	2	Title V Permit	AQ	Preziosi	ALJ Proposed Decision issued 12/29/06 and appealed. Appeal will be addressed at April 2007 EPC meeting.
10/06/06	Ted Dickey dba Dickey Farms	6	Order/Penalty	AQ/SW/AF O	Book	Meeting to be held April 2007
10/26/06	XEthanol Biofuels, LLC	1	Permit Conditions	AQ	Preziosi	Settled. Case closed.
12/27/06	Piper Motor Co. Inc.	6	Order/Penalty	AQ/WW	Tack	Reviewing discovery responses.
1/08/07	Cargill (Eddyville) 02-A-393-S3, 02-A-394-S2, 02-A-395-S2, 02-396-S3, 05-A-930, 05-A-931	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
10/13/04	Charlie Van Meter; Van Meter Feedyard	5	Permit Conditions	WW	Clark	Negotiating before filing.
1/11/07	Clow Valve Company (20 Permits)	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.

DATE: May 1, 2007

TO: EPC

FROM: Ed Tormey

RE: Enforcement Report Update

The following new enforcement actions were taken during this reporting period:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Feinberg Recycling, Ft. Madison (6)	Metals Solid Waste Wastewater	Operation Without Permit; Illegal Disposal; Stormwater – Operation	Referred to AG	3/06/07

Without Permit						
Country Carroll; LeMars Country Store, LeMars (3)	Stores of	Underground Tanks	Leak Detection; Record Keeping	Referred to	AG	3/06/07
Goose Lake, City of	(1)	Drinking Water	Construction Permit	Without	Consent Amendment \$500	3/15/07
Craig Burns, Clayton Co. (1)		Wastewater	Monitoring/Reporting		Consent Order \$4,000	3/15/07
Lawler, City of	(1)	Wastewater	Compliance Schedule; Operational Violations		Consent Amendment \$11,900 SEP	3/15/07
North Liberty, City of	(6)	Wastewater	Operational Violations		Consent Order \$6,000	3/16/07
Edward Branstad and Monroe "Monty" Branstad, Winnebago Co. (1)		Air Quality	Open Burning		Consent Order \$4,500	3/16/07
Todd Kay, Buena Vista Co. (3)		Animal Feeding Operation	Failure to Submit Plan		Consent Order \$3,000	3/16/07
Southern Handling, Mt. Ayr (4)	Waste	Animal Feeding Operation	Prohibited Discharge – Confinement; Failure to Report a Release; Water Quality Violations – General Criteria		Consent Amendment \$5,000	3/17/07
Claussen Family Farm, Scott Co. (6)		Animal Feeding Operation	Prohibited Discharge – Open Feedlot; Water Quality Violations – General Criteria		Consent Order \$4,000	3/26/07
Harvey Products, Inc., Harvey (5)		Air Quality	Construction Permit	Without	Consent Amendment \$5,000	3/26/07

Shenandoah, City of	Wastewater	Compliance Schedule; Discharge Limits	Consent Amendment SEP	3/26/07
Beck Oil Co. of Iowa, Ft. Madison (6)	Underground Tank	UST Deficiencies	System Consent Order \$6,759	3/26/07
Dyersville Implement, Dubuque Co. (1)	Wastewater	Prohibited Discharge	Consent Order \$7,500	3/26/07
Garrelts Livestock Feeders, Palo Alto Co. (3)	Animal Feeding Operation	Failure to Submit Plan	Consent Order \$3,000	4/2/07
West Central Cooperative, Carroll Co. (4)	Wastewater	Operational Violations	Consent Amendment \$5,000 SEP	4/2/07
Dennis Sharkey, Dubuque Co. (1)	Solid Waste	Illegal Disposal	Referred to AG	4/3/07
Clifford Yentes, Council Bluffs (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred to AG	4/3/07
River Bluff Resort, LLC; C.J. Moyna & Sons, Inc.; P.A. McGuire Construction, McGregor (1)	Wastewater	Water Quality Violations – General Criteria; Stormwater – Pollution Prevention Plan Violations	Referred to AG	4/3/07

Environmental Services Division Report of Manure Releases

During the period March 1, 2007, through March 31, 2007, 7 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents	Feedlot	Confine ment	Land Application	Transport	Hog	Cattle	Fowl	Other	Surface Water Impacts
October	12 (13)	0 (1)	9 (2)	0 (1)	3 (9)	9 (12)	0 (1)	3 (0)	0 (0)	1 (1)
November	10 (8)	0 (0)	2 (1)	3 (3)	5 (4)	8 (6)	1 (2)	1 (0)	0 (0)	1 (1)
December	5 (2)	0 (0)	5 (1)	0 (0)	0 (1)	4 (0)	1 (2)	0 (0)	0 (0)	1 (0)

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January	4 (3)	0 (0)	3 (2)	1 (1)	0 (0)	4 (1)	0 (2)	0 (0)	0 (0)	0 (0)
February	4 (2)	0 (0)	2 (1)	0 (0)	2 (1)	3 (1)	1 (1)	0 (0)	0 (0)	1 (0)
March	7 (2)	0 (1)	6 (1)	0 (0)	0 (0)	6 (0)	0 (2)	0 (0)	0 (0)	2 (2)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	42 (30)	0 (2)	27 (8)	4 (5)	10 (15)	34 (20)	3 (10)	4 (0)	0 (0)	6 (4)

(numbers in parentheses for the same period last year)
Total Number of Incidents Per Field Office this Month:

1	2	3	4	5	6
0	1	1	2	3	0

IOWA DEPARTMENT OF NATURAL RESOURCES
COMPLIANCE AND ENFORCEMENT BUREAU

DATE: May 1, 2007
TO: Environmental Protection Commission
FROM: Ed Tormey
SUBJECT: Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Daryl & Karen Hollingsworth d/b/a Medora Store(Indianola)	UT	8,542	3-15-96
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01

Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
James Harter (Fairfield)	WW	1,780	8-01-01
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
# Troy DeGroot; Casey DeGroot (Butler Co.)	AFO/AQ/SW	242	3-08-02
Charlotte Caves (Oskaloosa)	HC	10,000	4-03-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	1,701	8-18-02
Midway Oil Co.; David Requet (Davenport)	UT	5,355	9-20-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
	UT	32,690	2-28-03
U.S. PETRO, INC.; SSJG PETROLEUM; SUKHDEV SINGH			
	UT	44,900	2-28-03
MIDWAY OIL CO.; DAVID REQUET; JOHN BLISS			
Midway Oil Company (West Branch)	UT	7,300	5-03-03
Midway Oil Company (Davenport)	UT	5,790	5-03-03
Efren Valdez (Warren Co.)	SW	2,782	6-09-03
Albert Miller (Kalona)	AQ/SW	10,000	9-26-03
* Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	1,663	12-15-03
Robert L. Nelson (Orient)	UT	637	12-26-03
Mark Anderson (Des Moines Co.)	AQ/SW	6,188	3-22-04
Mike Phillips aka Jeff Phillips (Cambridge)	AQ	5,000	3-27-04
Mike Messerschmidt (Martinsburg)	AQ/SW	500	4-13-04
Interchange Service Co., Inc., et.al. (Onawa)	WW	6,000	5-07-04
Emer Carlson (Fairfield)	AQ	6,500	6-01-04
**Floyd Kroeze (Butler Co.)	AFO	1,500	6-01-04
Iowa Falls Evangelical Free Church (Iowa Falls)	WS	750	6-13-04
Mitchell Town Pump (Mitchell)	WS	2,080	6-16-04
# Dunphy Poultry (Union Co.)	AFO	1,500	6-27-04
Shane Preder (Ft. Madison)	AQ	477	7-12-04
James L. Heal d/b/a A-1 Domestics (Homestead)	SW/WW	1,800	7-16-04
Ranch Supper Club (Swisher)	WS	300	8-02-04
**James Boller (Kalona)	AFO	3,634	8-19-04
# Cash Brewer (Cherokee Co.)	AFO/SW	10,000	8-25-04
Spillway Supper Club (Harpers Ferry)	WS	1,500	9-06-04
David Niklasen (Shelby Co.)	SW	100	9-11-04
# Doorenbos Poultry; Scott Doorenbos (Sioux Co.)	AFO	1,500	10-09-04
T & T Corner Bar (McIntire)	WS	3,000	10-26-04
Rock N Row Adventures (Eldora)	WS	3,000	10-23-04
# Jason Fox (Audubon Co.)	AFO	1,000	11-27-04

# Norm Cleveringa (Lyon Co.)	AFO	750	11-27-04
Americana Bowl (Ft. Madison)	WS	100	11-28-04
Howard Traver, Jr. (Cass Co.)	SW	3,000	12-14-04
Valley Country Café; NOO Investment Co. (Cass Co.)	WS	5,000	2-18-05
Denzel Edwards (Cass Co.)	AQ/SW/HC	500	3-01-05
* Fran Oil Company (Council Bluffs)(3 Admin. Orders)	UT	4,300	4-09-05
Virgil Ehlers; Ehlers Oil Co. (Soldier)	UT	8,040	4-23-05
* Reginald Parcel (Henry Co.)	AQ/SW	260	4-23-05
Harold Linnaberry (Clinton Co.)	SW	1,000	5-18-05
* Country Stores of Carroll, Ltd. (Carroll)	UT	1,408	6-06-05
Mehmert Tiling, Inc. (Cresco)	UT	8,849	6-10-05
Elery Fry; Allen Fry; Mel Fry; Ron Fry (Moravia)	SW	10,000	6-20-05
Fedler and Company; Tony Fedler (Mt. Pleasant)	HC	3,670	6-25-05
# Matt Hoffman (Plymouth Co.)	AFO	750	8-08-05
S.K. Food & Gas, Inc.; Diwan LLC (Davenport)	UT	8,500	12-29-05
Vernon Kinsinger (Washington Co)	SW	3,930	12-31-05
# Joel McNeil (Kossuth Co.)	AFO	2,500	1 21-06
Carl Cliburn (Wapello Co.)	AQ/SW	3,474	2-03-06
TOMA Properties, LLC (Washington)	WS	1,000	2-17-06
Affordable Asbestos Removal, Inc. (Monticello)	AQ	7,000	4-28-06
Jeff Albrecht (Humboldt Co.)	AQ	500	5-06-06
CRM Enterprises; Envirobest, Inc. (Iowa City)	AQ	7,000	5-21-06
James L. Heal; A-1 Imports (Homestead)	WW/SW	10,000	6-18-06
#*Tony Mertens (Mt. Pleasant)	AFO	2,644	7-20-06
#*Dale Schumann (Buena Vista Co.)	AFO	2,000	8-01-06
Michael Drea (Woodbury Co.)	AQ	6,000	8-13-06
#*Dennis Kuehl (Cass Co.)	AFO	1,500	10-15-06
# Troy VanBeek (Lyon Co.)	AFO	3,500	10-16-06
Rueter & Zenor Co.; Rueters Red Power (Carroll) SEP	AQ/SW	400	11-06-06
# Randy Rudolph (Audubon Co.)	AFO	3,500	11-06-06
Larry Bergen (Worth Co.)	AQ/SW	2,000	11-01-06
* Fred Miller; Earthworks Contracting (Quimby)	AQ	8,020	12-15-06
* Country Terrace Mobile Home Park (Ames)	WW	810	4-01-07
* Waddell's Metal Recycling (Blue Grass)	AQ	1,250	4-01-07
* Wayne Staab (Plymouth Co.)	AQ	250	1-01-07
#*Galen Drent (Boyden)	AFO	1,510	2-01-07
#*Randy Gergen; R & D Farms (Sioux Co.)	AFO	1,500	2-15-07
* Curt Kline; Connie Kline (Dunlap)	AQ	1,000	3-01-07
Council Bluffs Community School District	AQ	3,500	3-08-07
# J & V Van Gorp, Inc. (Jasper Co.)		3,000	3-14-07
	AFO		
# J & V Van Gorp, Inc. (Jasper Co.)	AFO	3,000	3-23-07
#*Charles F. Deering, Jr. (Postville)	AFO	3,750	3-30-07
#*Richard Beelner; Beelner 1 and 2 (Plymouth Co.)	AFO	600	4-01-07

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Mobile World, LC; R. Victor Hanks (Clinton Co.)	WW	22,500	4-01-07
# Southern Waste Handling, Inc. (Mr. Ayr)	AFO	5,000	4-13-07
#*Harvey Driesen (Sioux Co.)	AFO	1,500	4-15-07
Craig Burns (Postville)	WW	4,000	4-15-07
Edward Branstad; Monroe "Monty" Branstad (Forest City)	AQ	4,500	4-16-07
# Todd Kay (Buena Vista Co.)	AFO	3,000	4-16-07
#*John Kauffman (Iowa City)	AFO	4,160	4-20-07
* John Danker (Lee Co.)	AQ/SW	3,052	4-22-07
# Claussen Family Farm, LLC (Scott Co.)	AFO	4,000	4-26-07
#*Paul Rehder (O'Brien Co.)	AFO	750	5-01-07
* Crestview Mobile Home Park (Ames)	WW	1,250	5-01-07
# Garrelts Livestock Feeders (Palo Alto Co.)	AFO	3,000	5-02-07
#*Michael and Karen Schieltz (Dubuque Co.)	AFO	3,274	5-07-07
* Midway Water & Lighting Co., Inc. (Marion)	WS	1,300	5-20-07
#*E & N Farms, Ltd. (Lyon Co.)	AFO	800	5-15-07
#*Charles Wauters (Keystone)	AFO/SW	3,500	12-01-07
#*Joe Tomka (Carroll Co.)	AFO	3,500	12-01-07
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	-----
TOTAL		480,657	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Gerald and Judith Vens (Scott Co.)	FP	5,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Dan Witt (Clinton Co.)	AFO	3,000
Dallas County Care Facility (Adel)	WW	5,000
# Doug Wedemeyer (Adair Co.)	AFO	2,500
Mt. Pleasant, City of	WW	500
# Kenneth Dahlhauser (Whittemore)	AFO	2,500
Chelsea, City of	WW	3,000
# Doug Osweiler (South English)	AFO	5,000
# Ray Slach (Cedar Co.)	AFO	3,000
# Natural Pork Production, II LLC (Shelby Co.)	AFO	5,000
Country Living MHP (Altoona)	WW	5,000
Strawberry Point, City of	WW	10,000
B & H Food & Gas, Inc. (Davenport)	UT	10,000
U.S. Nation Mart, Inc. (Davenport)	UT	10,000
Tegh, Inc. (Bettendorf)	UT	8,500
# Jeff Holland (Winnebago Co.)	AFO	5,500
# Bob Kerrigan (Union Co.)	AFO	750
Carpenter Bar & Grill (Carpenter)	WS	10,000
# Swine USA; Davis Finishing Site (Clarke Co.)	AFO	750
# Gettler Dairy (Guthrie Co.)	AFO	5,000
Iowa Ethanol, LLC; Reilly Construction Co. (Worth Co.)	WW	10,000
Broin & Assoc., Inc.; Iowa Ethanol, LLC (Worth Co.)	WS/WW	10,000

Broin & Assoc., Inc.; Otter Creek Ethanol (Osceola Co.)	WW	10,000
Iowa Falls, City of	WW	10,000
LeMars, City of	WW	9,000
Alton, City of	FP	5,000
# Jansma Cattle Co., Inc. (Lyon Co.)	AFO	10,000
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000
# Michael Veenstra; Allan Veenstra (Mahaska Co.)	AFO	5,000
Gary Hart (Clinton)	AQ/SW	4,250
Cedar Rapids, City of	WW	5,000
# Mike Elsbernd (Winneshiek Co.)	AFO	3,000
# Ted T. Smith (Buena Vista Co.)	AFO	3,000
S. J. Louis Construction, Inc. (Pleasant Hill)	WW	5,000
Monty Branstad (Winnebago Co.)	AQ/SW	8,000
Honey Creek Campground (Pottawattamie Co.)	WW	1,000
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000
Peeters Development Co.; Mt. Joy MHP (Scott Co.)	WW	10,000
Randy Griffin (Jasper Co.)	AQ/SW	5,000
Hoover Land Corp.; River Road Golf Club (Algona)	WS	1,375
Dirk Graves (Glenwood)	AQ	1,000
Ruby Field, Inc.; Ed Grafke (Sigourney)	UT	5,112
# Ted Dickey dba Dickey Farms (Muscatine Co.)	AQ/SW/AFO	8,000
Iowa Quality Beef Supply Cooperative (Tama)	WW	10,000
# Scott Lenz (Carroll Co.)	AFO	8,000
Edward Branstad; Jordan Branstad (Winnebago Co.)	AQ/SW	8,000
Bruce Piper; Piper Motor Company, Inc. (Bloomfield)	AQ/WW	10,000
TOTAL		271,737

The following administrative penalties have been collected:

NAME/LOCATION	PROGRAM	AMOUNT
* Crestview Mobile Home Park (Ames)	WW	250
* Midway Water & Lighting Co., Inc. (Marion)	WS	100
# Mike Coady; Silver Lake Finishing (Kossuth Co.)	AFO	4,000
# Garrelts Livestock Feeders; David Garrelts (Palo Alto)	AFO	3,000
Brian Salmon; Mid-States Asbestos Removal (Spirit Lake)	AQ	3,000
North Liberty, City of	WW	6,000
Independence, City of	AQ	8,000
* Country Terrace Mobile Home Park (Ames)	WW	110
* Tri Star Petroleum, LLC (Davenport)	UT	2,000
#*Harvey Driesen (Sioux Co.)	AFO	250
* John Danker (Lee Co.)	AQ/SW	138
#*Michael and Karen Schieltz (Dubuque Co.)	AFO	361
Dyersville Implement (Dubuque Co.)	WW	7,500
Pleasant Hill, City of	WW	10,000
#*Dennis VanDerWeide (Sioux Co.)	AFO	500
# Travis Aldag (Ida Co.)	AFO	3,855
Beck Oil Company of Iowa, LC (Ft. Madison)	UT	6,759
Harvey Products, Inc. (Harvey)	AQ	5,000
* Midway Water & Lighting Co., Inc. (Marion)	WS	100
* Waddell's Metal Recycling (Blue Grass)	AQ	250

#*John Kauffman (Iowa City)	AFO	208
Brian Salmon; Mid-States Asbestos Removal (Spirit Lake)	AQ	3,000
# Rahn Eischeid (Carroll)	AFO	2,500
# T. Patrick and Laurie Cashman (Deep River)	AFO	375
* Crestview Mobile Home Park (Ames)	WW	250
# Mike Rausch; Justin Rausch (O'Brien Co.)	AFO	3,000
# Griebel Enterprises; Baker 36 (O'Brien Co.)	AFO	3,000
# Griebel Enterprises; Dale 20 (O'Brien Co.)	AFO	3,000
#*E & N Farms, Ltd. (Lyon Co.)	AFO	300

76,806

TOTAL

Environmental Services Division

Report of Hazardous Condition

During the period March 1, 2007, through March 31, 2007, 66 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Total Incidents	Substance					Mode			
		Agri-chemical	Petroleum Products	Other Chemicals	Transport	Fixed Facility	Pipeline	Railroad	Fire	Other*
October	52 (48)	5 (6)	34 (29)	12 (13)	14 (13)	29 (28)	0 (0)	3 (2)	2 (1)	4 (4)
November	60 (55)	13 (10)	30 (35)	17 (10)	19 (16)	27 (28)	2 (0)	4 (3)	1 (1)	7 (7)
December	27 (51)	3 (5)	19 (32)	5 (14)	5 (18)	17 (29)	0 (2)	2 (1)	0 (0)	3 (1)
January	36 (62)	4 (4)	20 (35)	12 (23)	10 (18)	19 (32)	3 (0)	1 (1)	0 (0)	3 (11)
February	50 (49)	6 (2)	38 (36)	6 (11)	7 (10)	35 (35)	1 (1)	3 (2)	0 (0)	4 (1)
March	66 (54)	3 (2)	50 (40)	13 (12)	18 (16)	41 (29)	0 (2)	0 (2)	0 (0)	7 (5)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	291 (319)	34 (29)	191 (207)	65 (83)	73 (91)	168 (181)	6 (5)	13 (11)	3 (2)	28 (29)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field This Month:

*Other includes dumping, theft, vandalism and unknown

1	2	3	4	5	6
10	14	6	7	17	12

INFORMATION

GENERAL DISCUSSION

Charlotte Hubbell and Ralph Klemme commended the DNR for their professionalism and knowledge.

NEXT MEETING DATES

June 4 – Tour of Monsanto Plant

June 5 – EPC meeting at the Pearl City Station (Chamber of Commerce)

ADJOURNMENT

<i>Motion was made by Sue Morrow to adjourn. Seconded by Henry Marquard. Motion carried unanimously.</i>
--

With no further business to come before the Environmental Protection Commission, Chairperson Darrell Hanson adjourned the meeting at 4:40 p.m., Tuesday, May 1, 2007.

Richard A. Leopold, Director

Darrell Hanson, Chair

Suzanne Morrow, Secretary

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